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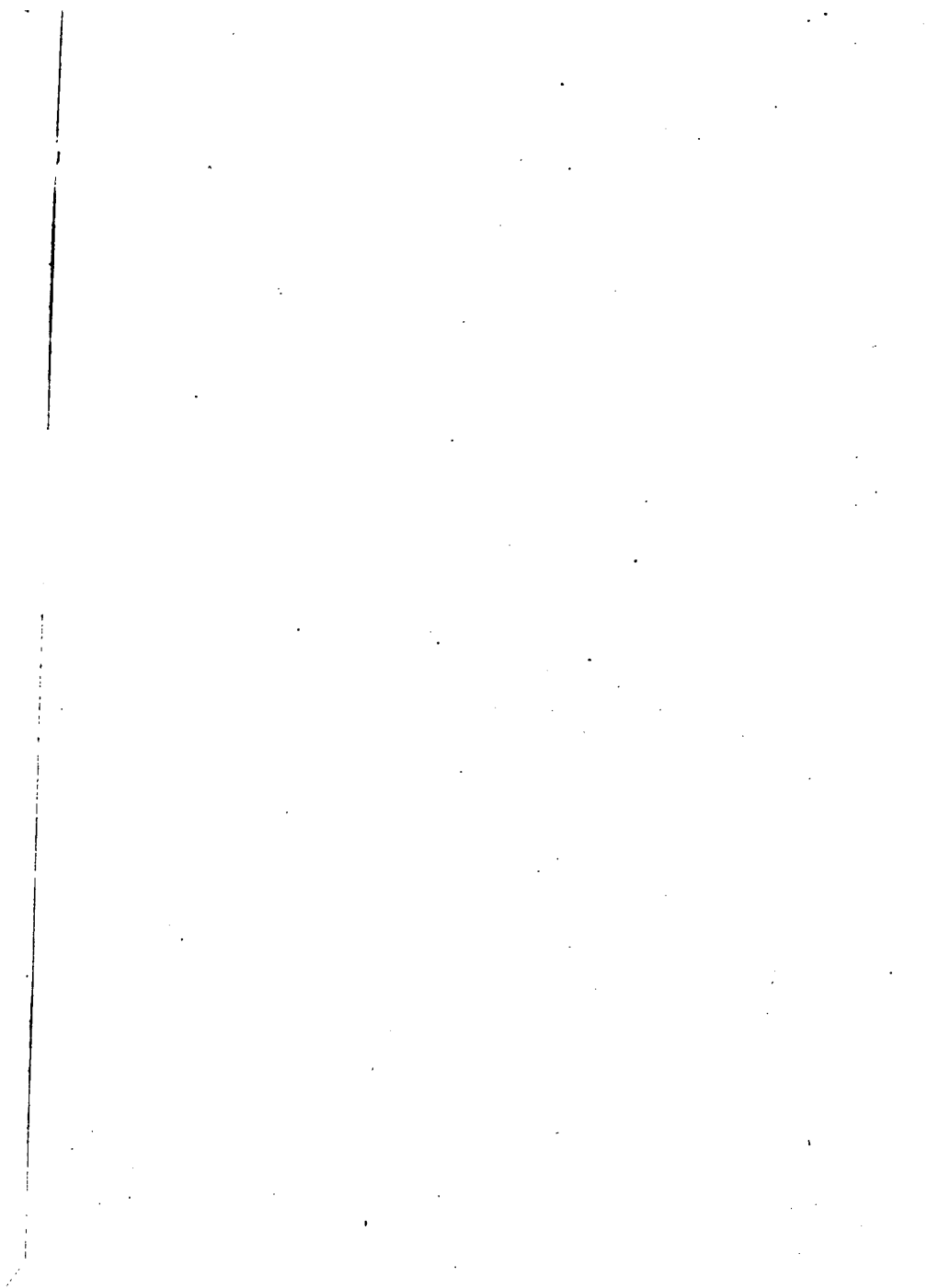
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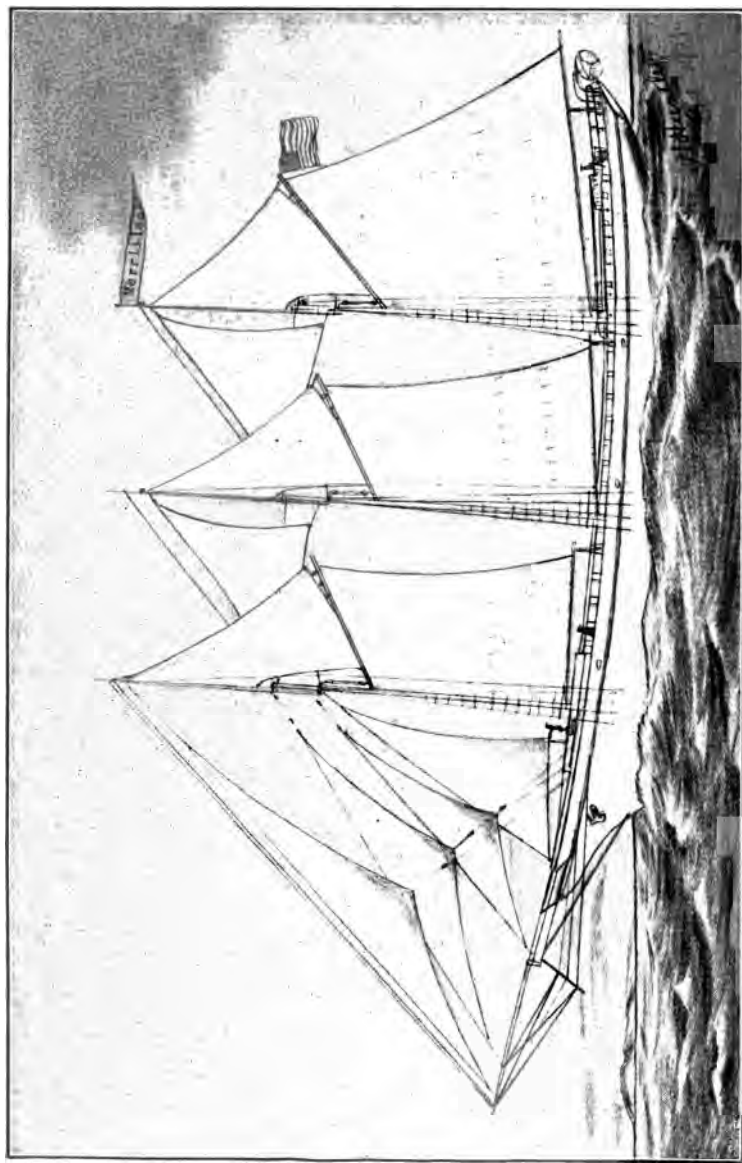
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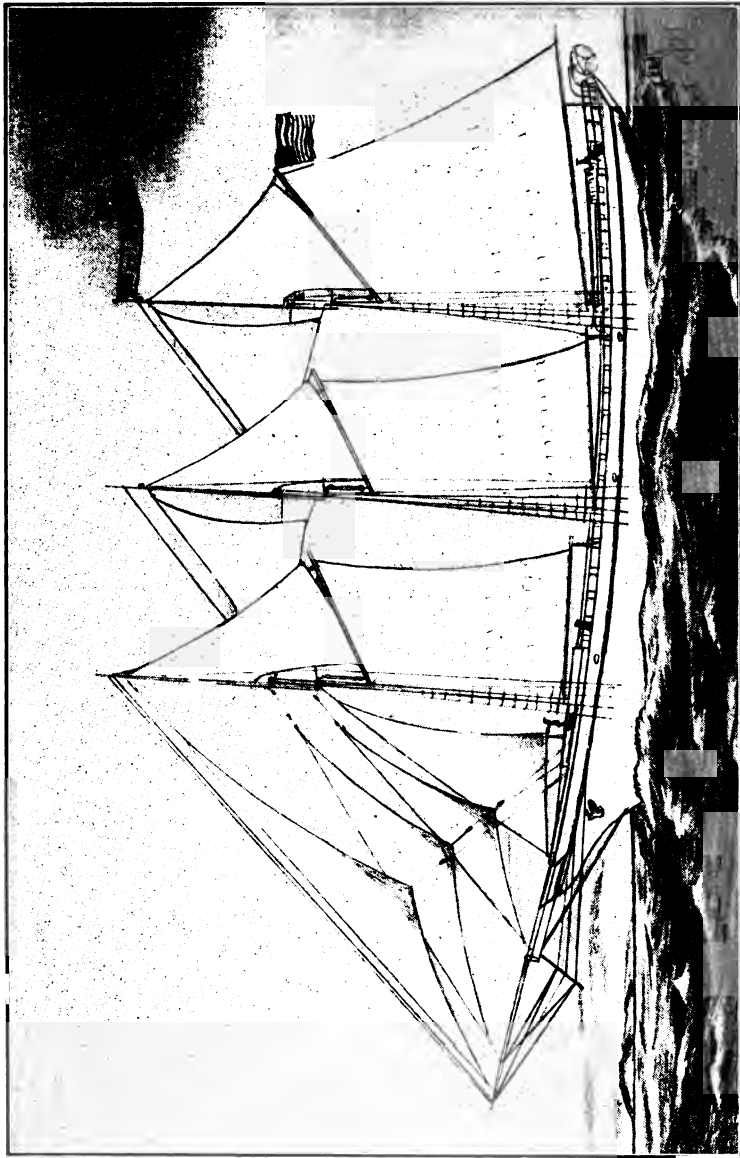
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THE STAUNCH SHIP "MERRILIES".



THE STAUNCH SHIP "MERRILIES".

Young Lawyer U. N. Truth's First Case

By

EMORY WASHBURN ULMAN

FOREWORD

By

Douglas Fairbanks

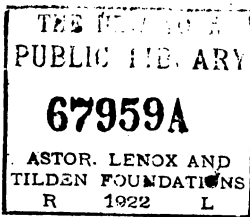
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FOREWORD

"Thrice is he armed that hath his quarrel just."—Shaks.

YOUNG LAWYER U. N. TRUTH'S FIRST CASE is the Story of a young member of the Legal profession who, though knowing he had no case for his client, kept bluffing along with most consummate skill, tact and energy.

U. N. TRUTH'S eloquent and patriotic oratory in his Opening Speech was for the sole purpose of deceiving the Jury; his objections were frivolous and trivial; his cross-examination of First Mate Liynd was a vain and unsuccessful attempt to break down the testimony of a reputable and reliable witness—and, with the usual attendant results; his summing up was filled with acrimony, acerbity of temper, and all the bitter vindictiveness which so often characterizes the losing attorney.

Happily the Legal profession contains many men of the highest and noblest character, and if here and there may be found a man of the U. N. Truth type exercising disingenuous and devious methods with the uninitiated, the fault is not with the Profession but with the Individual.

Douglas Fairbank

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CANTO FIRST

TWO MEN VOYAGE AROUND THE WORLD, QUARREL WHILE
HOMEWARD BOUND, AND SEEK COUNSEL AT THE
CITY OF NEW YORK.

I.

Two men, unknown to fame, yet who, in large degree,
Now occupy a place in Legal Historee,

Did sail or navigate around our globe oblate
With cabin-boy and crew, and First, and Second Mate.

II.

The one was named SETH BANGS; the other, DAVID GOOTH.
Seth Bangs was somewhat gray, Dave Gooth was past his youth.

III.

Seth Bangs was short and stooped, with kindly eyes and dark,
With upper lip smooth-shaved and beard like patriarch.

A seasoned salt was Seth (by sailors said to be),
Because for forty years his home was on the sea.

Like Enoch, man of eld, he daily walked with God,
In conscience, and in truth, though rough the path he trod.

Dave Gooth was tall and lank, with straggling carrot-hair,
Small restless steel gray eyes, complexioned light and fair.

A whilom "Down East" wight, or lubber, pleasure bent,
Whose knowledge nautical was truly sapient.

IV.

Like calm of summer noon had been their unity,
And friendship's waters deep were smooth as tranquil sea.

But lo, they disagreed anent which course was best;
In anger, Gooth avowed his rights by law he'd test.

V.

Now chanced for weal or woe to Gotham they did drift,
Where lawyers, not a few, on others' wrongs find thrift.

VI.

With frantic haste rushed Gooth, down to a building tall,
At number ——— Broadway, not far from City Hall,

And there did enter in, like madman in a plight,
An elevator took, up to a dizzy height.

"For 'law'," Gooth once had heard, "oft perches high on land;
"The higher one goes up, the better grows the brand."

On, upward, whizzed the car, to floor marked "21",
When out leapt eager Gooth, 's if shunted from a gun.

Gooth sudden stopt and gazed—was deeply awed forsooth—
Upon the door he saw "ATTORNEY U. N. TRUTH."

Then peeping through the glaze, Gooth gained a snapshot view,
Great wonders he beheld—in frame a sheepskin new!

Conspicuous on the wall, with names affixed and seal,
Demurely by its side hung "Magna Charta—real—

"The very one King John had signed at Runnymede";
 At least so fancied Gooth from words which he could read.
 And next he plain did see books large with names of "Kent,"
 "The Penal Code," "Blackstone," "A Lawyer's Complement."
 A "Tayler's Glossary," where legal terms are found;
 "The Lives of Justices, from Time of Cushing down."
 "Great National Laws—By Truth," in duodecimos,
 Glared fiercely from high shelves, a terror to all foes!
 Big bulging books of "Forms," and "Digests" not a few,
 In turn now met Gooth's gaze where erst they were purdue.
 Gooth also there could see, behind a desk quite coy,
 Keen, watchful and alert, a red-hair'd office boy.
 In triumph Gooth discerned an oak desk low and square;
 A portly personage was mood'ly sitting there,
 With folded arms, his mind discursive on some books,
 And often toward the door he'd cast *expectant looks*.
 But, when he saw Gooth peer, great joy suffused his face.
 "Thank heavens!" mused the man, "an ill-wind 's brought a
 case!"
 "The leading entrepot!" cried Gooth, in accents raw,
 "To buy that 'Majesty' I've heard of, called 'The Law'.
 " 'The Law' is grand, sublime, if one has but the price.
 Confess-ed, sans the coin, one 'cuts but slender ice'.
 "Ho! good old Dad, I know, will come to my rescue—
 The die is cast—I'll *try*, this chap with sheepskin new!
 "This Mister U. N. Truth—of him I've heard before—"
 Here Gooth did give a knock upon the witching door.

CANTO SECOND

COUNSELLOR U. N. TRUTH IS RETAINED BY HIS FIRST CLIENT— COMPLAINANT DAVID GOOTH

I.

In moments brief and few Dave Gooth was found within
The presence of a man with pudgy, pendant chin,
With fat, protruding cheeks, a shiny brow and head,
And small and cunning eyes, his nose a trifle red.
Of stature he was short, not more than five-foot-three,
But what he lacked in height was in rotundity;
Of dignity so great it smacked unto the sky,
But lurking 'neath it all there seemed a nature sly,
Which told of cunning hid, dissembling and deceit—
And yet he seemed the man whom Gooth now wished to meet.
None other was this man than "Mr. U. N. Truth"—
Or "U. N. Truth, *Esquire*," he promptly c'rrected Gooth.
"A clever chap," thought Gooth, "I like his winning smile."
But next the lawyer spoke, Gooth's face it stretched a mile!
"Good client Gooth," said Truth, "before you're seated, please,
My first procedure is to charge retaining fees—
"By which I mean, good sir, before I take your case,
One thousand dollars down, the balance in due space!"
Ah, cold was now the mist which gathered on Gooth's neck!
'Twas like a winter's night upon a stormy deck.
Some heavy wave, it seemed, against that boat did dash—
Down dropt David Gooth in a stupor with his cash!

II.

When client Gooth came to, big tear-drops filled his eyes,
He clamored to his feet, gave Truth a great surprise.

"To falter now," gasped he, "may spell for me defeat,
Disaster, ruin, despair, perhaps a base retreat;

"So I, good Counsellor Truth, desire to make it plain,
Dave Gooth's the gamest sport ever came from Portland, Maine.

"Intrep-id,-to-the-core!—at nothing ever balks—
I now shall prove to you, not *words*, but *money*, talks!"

And then ensued a scene which dwarfed Gooth's gasconade—
Gooth from his pockets drew huge silver dollars ("trade"),

And on Truth's desk did pile a monumental fee,
Which made Truth's heart dilate with greedy ecstasy.

And Truth did loud exclaim, " 'Free Silver', Thou hast won!
Blest be Democracy, and sweet 'Sixteen-to-One'."

Then rubbed his hands did Truth, to further speech gave vent,
"A man like Gooth," said Truth, "should be our Presi-dent!"

"—Er—thank you, sir," said Gooth, and took the proffered
Engaged then tete-a-tete this adulat'ry pair. chair.

In which the long-bow'd Truth regaled the credulous Gooth
With whoppers of the Gooths he'd known in "old Duluth,"

Concluding with the Gooths of Greece, of Rome, and Spain,
And "grand, illustrious Gooths of Portland down in Maine."

"With Hybla balm," thought Truth, "I thus my client please;
The link is forged, ha, ha—I'll play him at my ease."

III.

"And now," said Couns'llor Truth, "to business with a bound,
Quick state the facts, that I may know our Legal ground."

Then Gooth his case did state, whilst Truth looked wondrous
Opinions Truth vouchsafed which filled Gooth with delight. bright;

"Why, bless your heart," said Truth, "there ne'er was fairer
To fit your very case, I have *my special laws*— cause—

"*My* statutory code—*my* very special plea—
Accounted, sir, am I, as AM-icus cur'ae.

"In other words, dear Gooth, there is a wide report
That I, your Lawyer, am a close friend of the court.

"A man of brains and grit, and learned wit complete,
Who'll sway the jury and—shall never know defeat."

"Bravissimo!" cried Gooth, "I'm glad of such a friend,
Old Bangs I now shall whip if all Dad's cash I spend.

"Exhibits soon I'll bring—the compass, chart and map,
The log-book, names of crew, old Bangs' yachting cap.

"But first, of special note; sir, please to put it down,
The ship's husband 's fled; the boat is now aground."

"Aground!—a-what?—a-who?" asked Truth excitedly.
"Why, all aboard!" piped Gooth, "a case of mu-ti-nee!"

"Most startling, sir," cried Truth, "a cause of action lies;
A summons I shall serve ere break the morning skies."

"But, hold! far worse!" cried Gooth, as if in deep distress,
"I'm sick and sore and lame—they kept me in duress."

"Most dastardly!" cried Truth; "an element of crime,
For which the guilty ones shall settle in due time!

"Our laws are well defined, 'that mutiny at sea,
Is treason at its worst—a heinous fel-o-ny'—

"The punishment for which, the Statute plain applies,
Is, 'Taken out and shot, by soldiers at sunrise'."

"Er—just the thing," said Gooth, delightfully mollified,
Oblivious of the fact that Counsellor Truth had lied.

"Your case is on-all-four's, authorit'tive, I trace,
With that which lawyers term, 'the famous Dred-Scott case'.

"There, the defendant was, precisely as I've said,
At sunrise taken out, and bullet-ed till dead."

"Enough, enough!" cried Gooth, "then push things hard and
To old Seth Bangs I'll prove that he's the fool at last." fast;

"A fool! a caitiff—brute!" assured the unctuous Truth,
"Egads, I state the facts, or hie me to Duluth;

"The which I need not do, for, when your case I state,
Infallibly, you'll find, Success shall be your mate.

"And here, Gooth, let me say, your trust and confidence,
'N engaging one like me to fight Seth Bangs' defense,

"Is safe and well reposed—within responsive heart—
I'm loyal to the end, and ardent in my art—"

"O heavens, send us more good lawyers like U. Truth!"
Exultantly exclaimed the self-deluding Gooth.

"A winning wish, my Gooth, and voiced with kingly grace;
Good Fortune hath decreed I handle your great case.

"On Life's palaestra where great conflicts oft arise
The wrestler's strength and skill unite to win the prize.

"So I, my dearest Gooth, shall be the Heracles
To bring the Hydra Bangs in anguish to his knees.

" 'Tis I, my Gooth, who shall the mighty Theseus be
And hurl the Sciron Bangs from cliff into the sea.

"A very Odin, sir, you'll verily find in me,
Combining all the vim of Vili and of Ve."

Here Truth drew close to Gooth, and whispered with a smile,
Important things to know, when comes the case to trial.

But this was overheard (the hist'ry doth relate):

"Now speed you, client Gooth, and fetch the Second Mate.

"Be sure he meets me here, or at some trysting place;
Or else, *de bene ess'*, I'll swear him, in the case."

"A friend like you," said Gooth, "I've never known before."
With which he hugged short Truth, and hasten'd out the door.

IV.

The tall and lanky Gooth had scarcely left Truth's door
When he did hasten back with vital questions more,

"Anent and apropos the workings of the law—"

"Imperative!" piped Truth, "we checkmate every flaw.

"Here reigns our law supreme, and shall increase, obtain;
'Retrib'tive justice' is no idle boast or vain.

"It means, if aught at all, that—barring all red tape—
The prison portals yawn! Seth BANGS shall not escape!"

Thus spake the artful Truth, well-knowing he'd no case,
And yet, resourcefully, he bluff'd his game apace.

With keen, deep-studied mien, he glowered at a book;
Resumed his legal theme with Ciceronian look:

"The Law, you'll please to note, is not a means of trade
By which one buys or sells, or where a fortune's made.

"Nay, did the fangs of gain my calling penetrate,
Too soon 'twould mark the fall of government and state.

"Our superstructure—ay, the nation's fabric, laws,
Should most ignobly fail, and perish your great cause!"

Such noble sentiments from out Truth's honest mind
Here so astonished Gooth they fairly took his wind,

And several minutes 'lapsed ere Truth he could resume,
But when he did, in sooth, he thus did Gooth illume:

“The mission of the law’s to succor the oppressed,
To lend a helping hand to one who’s been duressed;

“Its shield is o’er our land nor less than on the sea,
It deals summar’ly with the sailor’s mutinee;

“It checks Oppression’s heel, it stays the Tyrant’s hand,
It conquers Villainy, and flays the Pirate band;

“It’s Reason’s perfect state, with Chaos put to rout,
Upholds the claims of Right, rejects dishonest Doubt;

“It’s Majesty enthroned, and Dignity *per se*—
The glittering lodestar of a Nation’s Liberty!”

“So states our foremost guide—law author, Abner Truth—
My grandsire—bless his shades!—famed Jurist of Duluth.

“And by his name I swear—our lustered family tree,
Which shines through aeons bright in genealogy—

“That though *some* Truths may sleep, not one has ever ‘died’,
As old Seth Bangs shall learn when jurors twelve decide.”

The lively thought of what “Twelve jurors might decide,”
Here so enraptured Truth he was himself beside.

For, absent-mindedly, Truth showed a grasping will—
He quickly seized a pen and wrote out Gooth a bill:

“To Services to date, in Bangs adversus Gooth,”
Beguiled by silvery hope, this was a verdant youth.

When lo! the startled Gooth, up-jumping on the floor,
A spirit then displayed few sportsmen will adore;

For though midsummer day, intense indeed the heat,
A glacier seemed to crawl right into Davy's feet.

"I fear—I now do think—" said he, with dampened glee,
"My Dad would much prefer I pay you *no more fee*,

"But rather let it be like salvage on the sea,
Where, if you win, you get a fat contingency."

A man more pleased than Truth it now were hard to find,
And evidence, did Truth, prehensile strength of mind;

He with his pudgy hand gave Gooth a hearty grip—
Subconsciously he felt some day he'd *own* the ship.

"My dearest Gooth," said Truth, with quite a low congé,
"A pleasure, sir, 'twill be for one to take such pay;

"For, when one's cause is just, it stirs the heart and brain;
From handling your great case I could not, sir, refrain.

"Ah, even tho' the meed were but an humble pence,
My life I'd jeopard, sir, to fight Seth Bangs' defence!"

Assur'nces such as these filled Gooth with hope anew;
He smiled—he grinned—he bowed—bade Truth a fond adieu.

CANTO THIRD

SETH BANGS IS MADE DEFENDANT IN A SUIT BROUGHT BY DAVID
GOOTH AND ENGAGES THE AGED LAWYER
GEORGE REMSEN.

I.

Seth Bangs, the mate and crew, so reads the manuscript(t),
Were sore perplexed indeed when came they from the ship,

Because, alas! poor Seth, whose life seemed free from taint,
By Counsellor Truth was served with Summons and Complaint,

In which the wrathful Truth did boldly specify,
“Ye have but *twenty Days* in which to make Reply—

“That is, your Answer make, according to the Law,
And if ye fail therein by slightest fluke or flaw,

“A Mighty Commonwealth, with Iron Hand of Mail,
Will on thy Corpus light, and cart thee off to Jail.”

What wonder then that Seth, the crew, and friends by score,
Did hast’ly set about, Manhattan to explore;

With anxious thoughts and cares deep preying on each mind,
Because they would, in sooth, an “honest lawyer” find!

But of the many hours those weary souls did spend
In searching avenues and streets from end to end,

In rain, in shine, by day; in hail, in sleet, at night;
In hopes that they might find the slightest clue or light,

Frail hist'ry cannot tell in brief allotted space—
Suffice Seth Bangs was staunch, abandoned not the chase,

Until a place he found where "JUSTICE" crowned the door.
Its single occupant was far in age and hoar.

Nor "Justice" was his name, but that for which he stood;
George Remsen was a man of conscious rectitude.

Undimmed was his eye, his vigor did not wane;
Of strong and steady limb, his mind well-stored and sane.

And high and wide his brow, his cheeks a youthful red;
Of gentle bearing, and a well-poised, learned head.

Of blessings he'd boon, it may be truly said,
Full markedly they told of the righteous life he'd led.

II.

Not in a building tall, but somewhat small and old,
George Remsen practised law, nor sold his soul for gold.

A man who, Seth Bangs learned, by some was thought real
"Because at seventy-two he had no competence." dense,

"But 'competence,' " said he, in thoughtful, sober vein,
"Knows not an aching heart, nor yet a guilty stain.

“ ‘Our guerdon’, He hath said, ‘through ages has been known,
‘Is not in riches here, but from the Heavenly Throne’.”

These things and many more George Remsen there did tell,
And oft Seth Bangs exclaimed, “Thou noble man didst well.”

III.

Then Seth his version gave—a statement strong of fact,
By which to answer Gooth, and him to counteract.

IV.

Now in their confab long Seth Bangs did note a slip;
The lawyer once did say, some night he’d “guard the ship.”

“What! guard the ship?” thought Seth, “how can one old as he?”
Seem’d something then to say, “Belike emergency!

“There ’re times we wot not of, which call for courage great—
Mayhap I then may find George Remsen for the State.”

V.

Then parted these two men, to ’wait the day of trial,
“George Remsen,” said Seth Bangs, “is true as a sun-dial.”

CANTO FOURTH

THE CONSPIRACY.

The clock in old St. Paul's scarce struck the morn hour ten,
When Ann Street, near Broadway, revealed two hurrying men.

Were not together they, but sep'rate, distant, bound
Toward a common goal, or midway meeting ground.

The one, of sturdy build, had freckles and red hair:
Gleamed from his pent-house eyes an ugly, wicked glare.

The other (save the mark!), quite short and very fat,
Was dressed in flashy clothes and wore a soft gray hat.

The hat, disguisedly, was pulled down o'er his eyes;
His rapid step bespoke some rare and bold emprise.

And they did sudden meet, and lock in fond embrace;
The one did laugh and coo into the other's face.

Mere art could scarce portray, except in colors rare,
The lovely attitude they thus presented there.

The cooing man was Truth, the other, "Second Mate."
"I'll flatter him," thought Truth, "and give a toothsome bait."

"Thou good and noble mate, my heart glows warm for thee,
Thou bravest sailor man e'er sailed the bill'wy sea;

"And yet, Most Valiant One, deeds past hold naught for thee;
Thy present, future needs, of greater import be."

So saying, subtle Truth quick slipt a crispy "V,"
Unto the sailor man for "pleasures on the lea."

And then with smiles more sweet than houris in a dream,
The wily Truth disclosed his diabolic scheme:

"On you, 'Bill' Blate," quote Truth, "our flimsy case must rest,
If we're to punish Bangs for causing Gooth's duress.

"So, leave no stone unturned to pay Seth Bangs his due,
And swear to all the lies I now repeat to you:

"Manswear that on the night your boat was in Hell Gate
Defendant Bangs was in a beastly, drunken state;

"That nat'r'lly 'twas plain, as any one could see,
As Bangs was beastly drunk, out-cropt his deviltree;

"That on the deck that night, at shortly after nine,
You saw the craven Bangs strike Dave Gooth from behind.

"That at the time Seth Bangs dealt Gooth the murd'rous blow,
You alone were there, the crew were all below.

"That instantly you sprang and saved the plaintiff's life,
By wresting from Seth Bangs a poison-dipt sheath-knife.

"That he, the desperate Bangs, outwitted, foiled by you,
Then summoned from below his servile, brutal crew;

"Who forthwith rushed on deck, delivered blow on blow
Upon the helpless Gooth, then dragged him down below,

"And there—against all laws which govern land and sea,
Deprived Gooth of command and lawful libertee!

"Rehearse these features well, until you b'lieve them true,
And swear they're 'mack'el facts, e'en tho' your lips turn blue..

"Of course, defendant's side will try to break you down,
But waver not, nor squirm, nor think we've lost our ground..

"Remember, Mate, I hold three deuces and a tray,
So, if you stick to me, we'll surely win the day."

"I'm sticking'," said Bill Blate, with fiery, wicked look;
"Be swigged, I'm wid you, sur, by anny hook or crook!"

Suborning lawyer Truth here passed Ten Dollars more
Unto the willing salt for "liquor while ashore."

Adjured in parting words, "If thou thy counsel keep,
In season due, good Mate, large profits you shall reap."

CANTO FIFTH

IN COURT.

In Court Supreme, New York, at Trial Term, Part IV,
A most prodigious throng has packed it to the door.

"Hear ye! hear ye! hear ye!" the Crier's voice is heard,
"Have silence in the Court!" rings out his every word.

The throng grows silent, still—all eyes look straight ahead,
As from the Chamber's door there comes a heavy tread,

And to the lofty bench doth stalk and take his seat,
A sour-visaged man, his robe it skirts his feet.

No student's stoop has he, nor yet the stoop of years,
But something in his maw o'erflows his eyes with tears,

For indigestion's path hath dug in him so deep,
That not since yestere'en hath Morpheus gi'en him sleep.

His brow's so knit and grooved, his teeth are clenched so tight,
He'd scare Old Nick himself if met the two at night.

COUNSEL ASSEMBLE.

The Judge to goggled Clerk now beckons draw anear,
And then *sub rosa* speaks into the Clerk's deaf ear.

Then glances papers o'er, and grunts a gutt'ral "yea,"
When in rush Truth and Gooth, like warriors to a fray.

Come closely on their heels Seth Bangs, a trifle thin,
George Remsen at his side, in strong, determined chin.

They all take prom'nent seats at Counsels' table long,
Which fronts the jury-box, exclusive from the throng.

IMPANELLING OF THE JURY.

The Court Clerk calls the names of Jurors who shall serve,
And six seem very meek, and six seem "full of nerve."

And six are large and fat, and six are small and lean;
They form the oddest group a court has ever seen.

For six have flowing beards, and six of them have not;
Six from the Ghetto came, and six from Battery Spot.

And some look weary-eyed, and some a trifle coy,
And some they stroke their beards and softly murmur "yoi."

And yet so wise they seem, Truth's artist friends do sketch
"The Twelve Distinguished Men who'll try An Arrant Wretch."

COUNSELLOR TRUTH CAUSES THE COURT TO ADJOURN UNDER MOST UNUSUAL CIRCUMSTANCES.

"Bang, bang!" the gavel falls, the Judge now shouts "Proceed!"
When forth bounds Counsellor Truth with undue haste and
speed,

And fronts the Jurors twelve, where flowing beards do grow,
And with a gesture like the Orator Cicero,

Says he to them, "Good Sirs, in all my 'sperience,
I've never seen the peer of your intelli-gence."

Encomiums such as these right to the heart did go;
The Jurors with the beards did bow their heads quite low,

And stroked each other's backs, and stunts one did attempt,
When loud the Judge did yell, "I'll fine you for contempt!"

"Oi yoi!" a wail is heard; it comes from Juror Schlawst,
With wave of arms he shrieks, "A *fine* is money lost!!"

So loudly did he shriek, and such the dire effect,
"*Attendants!*" cried the Judge, "*Forthwith that man eject!*"

And as they rushed Schlawst out, the Judge, in tones severe
Did shout, "The next man speaks, I'll sentence him a year!!"

Which calmed the boisterous throng, and all grew peaceful,
Another man was called the vacant place to fill. still—

And he had whiskers, too—just like the bushy Schlawst,
But, soon as he was sworn, began to figure "*cost*,

"*To County and to State, to adult and to child—*"
He wagged his head as if his thoughts would drive him wild.

When—"Gentlemen," broke Truth, with happy, sanguine face,
"I'll now present to you the Plaintiff's side of case.

"Ah, Gentlemen, Good Sirs—my Brothers—let me say,
I ask you'll weigh the facts we shall educe to-day.

"The cause of Plaintiff Gooth doth stand alone, unique,
Unrivalled by the Goth, the Roman, and the Greek.

"It is a cause, good Sirs, where right and truth require
That men with blood and brawn repeat the days of Tyre!

"When yeoman and the serf, aye, prince as well as king,
Should advocate Gooth's cause and make the welkin ring!

"Because I love the right, and wish to see fair play,
I've come to plead Gooth's cause *without a cent of pay*—"

"Without a cent of pay!!!" in horror six repeat;
Their wails and cries and groans resounding to the street.

"Oi yoi! oi yoi!! oi yoi!!! And is it such our fate,
No mon-ay *we* should *get* while serving for the State?"

"Oi yoi!! oi yoi!!!" they yelled, more loud than e'er before.
Bang! bang! the gavel rapped—the clerk, attendants, swore.

And ere the uproar ceased the Judge did snarl and snort:
"Eject all whiskered men instanter from this Court!!"

Then men with whiskers short and men with whiskers long,
Were yanked from jury-box and from amongst the throng.

And "whiskers" red, and black—and "whiskers" many styles,
Were given "Spanish walk" and hustled down the aisles.

And while a loud acclaim went up from many a seat,
Attendants and the Clerk quick rushed 'em to the street.

And old Judge Grump himself was not so far behind,
For he ejected ten, though rumor has it nine.

"Adjourn-ed!" gasped the Clerk. "To-morrow morn at ten.
An effort will be made to try this case again!"

IN COURT—SECOND DAY

THE GREAT THRONG.

In Court Supreme, New York, at Tri-al Term, Part IV,
Again an eager throng has packed it to the door.

“A crowd unparalleled,” so reads a press report;
“Police reserves were called, and soldiers from a fort.”

A striking episode within a court-house wall—
Ah, surely, citizens have answered duty’s call!

A heterogeneous throng it really seems to be,
Of every grade of life, and aristocracy.

The banker, business man, the son of husbandry,
Physician, preacher, clerk, the sailor from the sea.

Philosopher, and sage, cosmopolite and sport,
The publicist and prig, the man of high resort.

Here sits the idling youth, there lolls the ne’er-do-well,
The calloused crafty crook with Upper-Ten-dom swell.

The man of Comedy, with nervous fiery look,
Bumps elbow with the prude with “latest popular book.”

The “leading heavy” ’s here—he wears a girlish smile,
Forgetful of his cue, his villainy and guile.

The pettifogging shark, though scarce a saint be he,
Is here for “plaintiff Gooth and lawful liberty.”

The fashion’ble are here, in garments rich and rare,
With grandams and their maids, and matrons fat and fair.

The brazen demi-monde, whom decency decries,
Are here in all their gaud and bella-donna'd eyes.

Hand-writing experts, two, will take the witness-stand,
Prepared to verify Gooth's "holographic hand."

Psychiatrists, ay, three—great experts on the brain—
Have come to testify Dave Gooth is wholly sane.

A point portentous and with potent meaning fraught,
For if Dave Gooth is sane, then surely Bangs is not!

Two leading barristers, and jurists from afar,
Sit apathet'c'lly with members of the Bar.

Reporters keen, alert, at tables near the rail,
Are waiting to take down the "plaintiff's marv'llous tale."

Concentered of all eyes, beams out the radiant Truth;
At counsels' table chats with plaintiff David Gooth.

And near them crouching shrinks Gooth's witness, William Blate,
Grand model (?) of mankind—the muzzy Second Mate;

A low-browed, red-haired chap, with dreamy half-closed eyes,
Mustachios well waxed, their ends do upwards rise.

This drowsy-looking tar will form the missing link,
Though ill 's concealed the fact he's much the worse of drink.

He's sev'ral times been out to "quaff his likker red,
Gran' open'rs fer his eyes, an' bracers fer his head!"

Ah, he it is, they say, who soon shall verify
The words of plaintiff Gooth and give Seth Bangs the lie.

ARRIVAL OF GOOTH'S KINSMEN FROM MAINE.

A start—a buz—a hush: arrived by special train—
Strong relatives of Gooth, “from towns ’way down in Maine.”

Comes Abner Gooth, and Basil Gooth, and kinsman Obadiah,
And Eldred Gooth, and Humphrey Gooth, and Gerald Hezekiah.

Old Quincy Gooth, fat Jasper Gooth, the tinsmith Jeremiah;
Tall Leonard Gooth, short Raymond Gooth, big iceman
Zebadiah.

From Kennebunk, from Appleton, from Stark, and Cooper’s
Mill,
From Farmington, from Winterport, from Bowdoin and Blue
Hill.

They all have come, with fife and drum, and family pennant
waving;
Like “days of old, when knights were bold,” and dangers
were worth braving.

With friendly greet, they all take seats, close by their kinsman
David;
Through ’Lysses Truth, true friend of Gooth, they hope that
he’ll be savéd.

* * * * *

And last, though not the least, scarce noticed by the throng,
George Remsen and Seth Bangs thro’ th’ aisles now pass along.

And quiet take their seats within the glistening rail,
George Remsen looks refreshed, Seth Bangs a trifle pale.

Thus, briefly, is the scene within this stifling room,
Upon this sultry morn, the twenty-ninth of June.

And never did a cause presage more hopeful day—
Upon the court-room slants the morning sun's glad ray!

TWELVE GOOD BUSINESS MEN CHOSEN FOR THE JURY.

"Hear ye! hear ye! hear ye!" the Crier loudly calls.
The Judge doth mount the bench—and bang! the gavel falls.

To say that old Judge Grump doth look a trifle wild
Is not extravagant, nor is the statement mild.

Indeed, he looks more fierce than e'er he hath before,
And furtive glances casts toward the crowded door,

To see that whiskered men—it matters not their style—
The a la bushed or trimmed, ne'er 'gain shall grace an aisle!

New talesmen prompt are called and challenged without end;
At last the box is filled with twelve good "business men."

Then up jumps Counsellor Truth to fill the gaping breach—
He faces toward the Twelve to make his *Opening* Speech.

U. N. TRUTH, WITH INCREASED FERVOR, AGAIN ADDRESSES THE JURY.

"Your Honor, Gentlemen," 'gan Truth with sanguine face,
"I now present to you a most exception'l case,

"A case where freemen's rights by force were ta'en away—
The great palladium, the bulwark, aye, the stay,

"Of this Republic's life, its justice and its laws—
For such, my goodly Sirs, I plead the plaintiff's cause.

"A very similar cause which brought to Concord's field
Our loyal kinsman brave with helmet, sword and shield.

"A cause like which, I'd say, when thirty thousand strong,
At Bannockburn, the Scots, did chase a mighty throng,

"An hundred thousand men, bold Britons, to the sea,
To gain that priceless boon we term our 'Liberty'!

"And so it was, good Sirs, when at Thermopylae,
Leonidas displayed such gallant bravery.

"And for this sacred right, you doubtless will recall,
Firm patriots like you took seats in Faneuil Hall."

(The twelve good business men here looked a trifle strange,
For Faneuil Hall to them did seem some stock exchange.)

"A very cause like Gooch's which brought to old Tren-ton,
Your doughty fathers (fore) with trusty sword and gun.

"The very cause, good Sirs, which, quench ye once its flame,
Shall bring upon our shores bold Anarchy to reign!

"A cause, or precious boon, which, never yet prolix,
Inspired our Minute Men to deeds in '76,

When merchant left the store, when farmer left the plow,
When brave men left their homes, as you and I do now.

"And so, good patriots, events now make it plain,
The history of mankind repeats itself again—"

Judge Grump, in angry tones, here shouted: "Counsellor
Truth,
More clearly specify the *cause* of plaintiff Gooth!"

"Our cause, then, Gentlemen," resumed the ardent Truth,
"Is brought in Freedom's name by plaintiff David Gooth,

"Against one Sethton Bangs, impleaded with the crew,
Of 'Merrilies' the ship, with which they'd had to do.

"Now, gentlemen, we'll show, a night in '98,
The clipper 'Merrilies' was sailing through Hell Gate;

"Or, more specific'llly anent the time and date,
'Twas midnight, June the ninth, in eighteen ninety-eight.

"We'll show, of ship and crew, the plaintiff had command,
Until they should return to this their native land,

"From voyaging the world, in which they'd spent a year—
The Star of Chance, Gooth claims, that night did draw him here.

"We'll show that Sethton Bangs, by downright deviltree,
Inspired the Mate and Crew to acts of mutinee.

"Ah, let me emphasize, as ne'er have I before,
A more-di'bol-ic-act-ne'er-'curred-on-stream-or-shore!

"Upon that very night, against our Nation's laws,
Defendant Bangs and crew, without the slightest cause,

"With malice predisposed, and green-eyed jealousy,
Deprived Gooth of command and lawful libertee.

"Ah, gentlemen, the truth, you'd scarcely dare to know—
Like demons out of hell, they rushed Gooth down below,

"And there in irons put this noble man away,
Like felon in a cell, until the foll'wing day.

"And, Sirs, a further fact on thee would I impress—
Is- hum- the dastard way they kept Gooth in duress—

"This king-ly cit-i-zen—aye, manhood at its best—
O perish deep the thought when Freedom's dispossess'd!

"This man to manner born—of Priam's noble line,—
A father's knighted hope, where virtues rare combine!"

(The twelve good business men with calm and pleasant mien,
This bolus swallowed down like something saccharine;

(The kind of saccharine the doctor hands the boy—
The soda red and sweet with castor oil alloy.)

"Who stands, 'tis justly said, as Honor's Paragon,
In Mercy, Love and Truth a perfect Mastodon!"

"Twould make a lion's heart grow sad, and weary, too,
To see the way that Truth here rolled his eyes askew.

Said he, "Now, by my faith, and by the name I bear,
And by yon Phoebus' light which on this Court doth glare;

"Yea, by my father's sword, and by his silver'd hair,
I'll see that yon Seth Bangs shall take the 'lectric chair!"

Each man within the court now tightly held his breath—
Already poor old Seth seemed face to face with death.

A shudder, mournful, deep, through all the people crept;
A gaunt old maid in specs now turned aside and wept.

And sobbed so hard and long, disturbing all about,
Two court attendants here did gently lead her out.

Whilst Truth, the horrid man, with awful, glist'ning eye,
Did sputter—"Battle's on! We're here to do or die!!"

With this dramatic close, the wheezing pursy Truth,
Then shouted, "Take the stand, the plaintiff David Gooth!"

DAVID GOOTH, THE MARTYR-HERO, RECEIVES THE PLAUDITS OF
THE MULTITUDE.

Tall women waved their hands, and short men stood tiptoed;
The strong shoved back the weak, and anxious faces glowed.

"Make way for David Gooth, the child of martyr fame!"
Loud echoed through the court—to Bangs' eternal shame!

DAVID GOOTH AS SEEN BY THE PHYSIOGNOMIST.

But Reader, do you note, upon the face of Gooth,
The signs which contradict the claims of Counsellor Truth?

Observe Gooth as he there sits crouching in the chair,
Now does he seem to you to have a manly air?

And is it not the fact—who can the truth deny?
The one now on the stand has treach'rous looking eyes.

Ah, does not candor tell, that on Gooth's harden'd face,
A dissipated life has left its hideous trace?

Nay; cold indicia shall, and will forever be,
The guide-post of the world, in physiognomy!

DAVID GOOTH IS SWORN—AND RELISHES AN OSCULATION.

The Clerk had barely said, "Affirm—or kiss the book,"
When Gooth did acquiesce with very willing look.

Gooth took a scooping kiss—a gem for one his years,
Whilst Truth, the tragic Truth, succumbed to briny tears.

COUNSELLOR TRUTH STARTLES THE JUDGE AND LAWYERS.

As soon as Truth came out his fit so lachrymose,
He wiped his swollen eyes, and trumpet-ed his nose.

And such the blasts he blew upon his lusty beak,
The Judge and lawyers jumped each time his beak he'd tweak.

As if some conscience pang did thrill their every nerve—
But hark! Ulysses Truth would now his client serve!

DAVID GOOTH, WITH DEEP EMOTION, UNFOLDS TO THE COURT
AND JURY THE "GRIM, GRUESOME DETAILS."

"Your name and age?" asked Truth; "the place where you
reside?
Your occupation give, all matters else elide."

"My name is David Gooth, arrived at man's estate,
Of sire a worthy son, unmarried, celibate."

"Now kindly state, my man, in language you'll condense,
Your place abode on shore; that is, your residence?"

"My residence or home, when off the watery plain,
Is—'care of Burton Gooth, a merchant prince of Maine."

"Your occupation, please?" asked Truth, quite cheerily;
"My occupation is—a skipper of the sea.

"A skipper widely known, I'm held in high regard;
Can box the compass and—thoroughly know the card.

"The Points I can repeat, from one to thirty-two;
Can pipe the crew on deck, and slip a cable, too.

"A master seaman I—from booby-hatch to pole,
From futtock-shrouds to fids, from luff to lubber's-hole.

"From scuppers, scuttles, skids, to tare and tender, tow—
Humph! everything, in fact, a sailor, sir, should know."

"A perfect seaman, then, I take you, sir, to be?"
"The ablest skipper I, that ever sailed the sea.

"In navigation skilled, in all relates to sea,
The currents, courses, tides, the wind's velocity;

"The sextant, chart, the log; know N. from N.N.E.;
The starboard side, the port; the weather side from lee;

"The watches: morning, night; and 'graveyard,' twelve to four;
The bells from one to eight, and when the sails to lower."

“Can give the ship’s command and shout ‘All hands, ahoy!’
‘Spell ho!’ ‘Stand by!’ ‘Sail ho!’ and other terms employ.”

“And you can ‘reef’ and ‘furl,’ and man the halyards—steer
The ship in foul or fair, and mend the chafing gear?

“Can coil the sheets away, heave at the capstan bars;
Haul taut a weather brace, and crawl out on the spars?

“Can royally square the yards, and boom-end well a sail,
When icy are the ropes, in hurricane or gale?

“Can hoist the yard to block, and paint the monkey rail,
And guy a swinging boom, and reef a studding-sail?

“Can sail a square-rigg’d ship, as well ’s a fore-and-aft,
A bark, a brig, a sloop, or any deep-sea craft?”

(Witness nodded, with a slight hesitation.)

“Suffice,” cried Counsellor Truth; “your seamanship we know
Unneeded more that we the Court and Jury show.

“Now, having amply shown, your sailor qualitye,
Revert we, then, to Land, where more your merits lie:

“Imprimis, from, are you, the rugged shores of Maine;
Of reputation high, a standing to maintain;

“Of sovereign dignity, of white unsullied robe,
Famed traveler ci-devant of our terraqu’ous globe;

"Of chiv'lrous heart and hand, of lofty, ideal mind,
From error wholly free, your nature 's gentle, kind—"

(Witness nodded rather sheepishly.)

"And are, sir, are you not, a courtier, swell and swain,
A lion socially, devoid of blemish, stain;

"Of thoughts as sweet and pure as e'er were Hermon's dew—
These virtues, Captain Gooth, the world accords to you;

"Crowned king of bon-vivants—charmed soul of bonhomme—
An yet" (Truth broke into a terrible rage) "the victim of
a base heart's treacherie!!!"

"Objected to as incompetent, irrelevant, and immaterial."

THE COURT: "Stenographer, strike that out! The
Counsellar will be governed by the rules of evidence."

EXAMINATION CONTINUED:

"The plaintiff, are you not? (Truth's zeal did not abate)
Against one Sethton Bangs, the crew, and cook, and mate

"Of 'Merrilies', a ship which sailed upon High Seas,
Had touched at ev'ry port from Maine to Cyclades?"

(Witness again nodded in the affirmative.)

"Well, now, good Captain Gooth," Truth trilled his ev'ry word,
"Just-tell-the-Jury-all-and-ev'rything's-occurred.

"But first, my worthy man, your where'bouts kindly state
The night of June the ninth, in eighteen ninety eight?"

"Aboard the 'Merrilies', not far above Hell Gate,
A-coming up the Sound, and headed toward the Strait."

"Aboard the 'Merrilies'—what sort of craft was she—
A barkantine, a brig, or schooner masted-three?"

"A schooner, masted-three—fore, main, and mizzen aft—
With nobby hull and keel, a slick and shipshape craft."

"Now state, please, Captain Gooth, how many sails had *she*?"
"Four jibs, three top'; two more; and then the main sails three."

"Two more', you said just now—were those the staysails
twain?"

"The 'topm'st staysails', sir, they call 'em down in Maine."

"And where's the mizzen sail? Is that the sail that's last?"
"The mizzen?—let me see—that's on the mizzen mast."

"Had she a spanker, too; that is, a spanker sail?"
"Oh, yes, a spanker sail—we lost her in a gale."

"She had, then, had she not, exactly *thirteen* sails,
With which to sail the seas and weather heavy gales?"

Objected to, on the grounds of twelve sails—spanker and
mizzen-sail being one and the same, and "spanker" the
correct name.

Question ordered stricken out.

"Now state, good Captain Gooth, the burden of the ship—
And length from bow to stern, that is, from tip to tip."

"Of tons, two-fifty, sir; one-forty-foot in length;
But what she lacked in size she made up in her strength."

"Now state if aft on ship the deck was flush or poop?"
"A poop-deck," answered Gooth, his eyelids far adroop.

"Now, Captain Gooth, de-scribe the weather on that night—
That is, if stormy, dark—or, very clear and bright?"

"In early eve 'twas fair, but later came a storm;
The very worst, I'd say, the elements could form."

"Now state, before the storm, what part the deck you stood?"
"Upon the quarter-deck—" "All right, sir, very good."

"And do you now recall, if at the time with you,
Was the defendant Bangs, or members of the crew?"

"They all were there, I think—except the Mate and Jap,
Who, being half-seas-over, had gone below to nap."

"So, then, the personnel—by which is meant the crew—
Was on the upper deck with Sethton Bangs and you?"

(Witness nodded in the affirmative.)

"And did you notice, sir, in Sethton Bangs that night
The leer which alien'sts term th' 'psychiatric blight'?"

"Most ab-so-lute-ly, sir, I easily could divine
Seth Bangs was slightly off, or vicious in his mind;

"Which boded me no good, you'll please to understand,
Because I understood he lusted my command."

"With venom, spleen, and hate, and horrid jealousy,
I heard him vow one night that 'he'd the skipper be'.

"So, too, our Second Mate, one night while down below,
Did overhear him say my power he'd overthrow.

"That on a certain night on which they'd all agree,
By force of arms they'd take my authority from me."

"Now just a moment, please," said Truth with face aglow—
"Whilst this *indenture* I, the Court and Jury show.

(Truth hands to Jury a document.)

"This paper, gentlemen," continued Counsellor Truth,
"'S a contract made between Seth Bangs and David Gooth,

"By which defendant Bangs relinquished all command
Until their ship returned hard by the Portland strand.

"The instrument, you'll note, is dated on the sea,
Athwart the waters North and near the Zuyder Zee'."

(Ten writing experts rose and gladly verified
The signatures of Bangs, of Gooth, and witness Hyde.)

(Paper received in evidence, and marked "Plaintiff's
Exhibit 1".)

"And now, good Skipper Gooth," Truth's eyes here flamed
with fire,
"Just tell the Court and Jury what next did there transpire—

"Just tell your story, true—those gruesome, grim details—
No matter whom it hits, no matter whom it jails.

“Unfold it all, sir, now—and not a word ye mince!
E’en tho’ the culprits writhe, like burning scorpions wince!

“Just tell of Bangs perverse, who’d scorn to make amends—
Vile cobra! basilisk! with disingenuous ends.”

“Objected to!” “Sustained,” the Judge did cry with ire;
“Confine yourself to facts, Ulysses Truth, Esquire.”

WITNESS:

“Well, suddenly I ’spied, beneath the cabin-stairs,
The crew and Jap and cook a-forming into pairs.

“And then they came on deck—Seth Bangs was in the lead—
Dead bent upon a crime, or very awful deed.

Some awful deed to me, by which I’d lose command;
The next thing that I knew they bound me, foot and hand.

“With curses, then Seth Bangs dealt me a stunning blow;
The crew, the Jap and cook, then dragged me down below.

“Yes, dragged me down below, in-to a dungeon cell,
And there they tortured me like demons fresh from hell.”

(Cries of “Hear, hear!” gavel knocks; witness resumes.)

“In manner how?” asked Truth, still feigning great surprise.
“By tying back my ears, and gouging both my eyes.”

“And then what next?” asked Truth, appearing sad impressed.
“They stript me of my clothes, and scourged me on my breast!”

(More cries of “hear, hear,”—“a pity,” etc.)

"And then with fiendish looks they feasted on my pain,
With marlin spikes and spears they tried to prod my brain.

"The horrors of that night shall never fade away—
With burning brands they danced around me like in play!

"But when I heard Bangs say, 'let's take a six-strand rope
And hang Gooth to a mast,' I swooned and lost all hope.

"Unconscious then I lay upon the bilgy floor—
Oh h'a-vens! how it seemed like cent'ries evermore!

"Boo-hoo! boo-hoo! boo-hoo! — — — — —
— — — — — oo!"

"Tut, tut, m' man, don't sob—pathetic, sir, I know—
Bear *up*—be brave—for now, we'll on the record go!"

(Between deep sobs, witness continued.)

"And scarcely came I to, again he sought my life;
He chased me down the hold and brandished a big knife.

"A dirk knife dipt to hilt in virus and in gall.
Cried he, 'I'll take your life, e'en tho' the heavens fall!!'"

Here Truth excited grew, was loudly heard to say,
"That savors of the time of Nero and his day!"

"Bang! bang!" the gavel rapped. "Have silence in this Court;
Let Plaintiff Gooth resume, but give no false report!"

"And any inj'ry else?" cried deeply-angered Truth,
As now he'd finish with examining plaintiff Gooth.

“—Er—nothing else—except, until the following day,
Against the law they took my liberty away!”

“Ah!—thank you, Captain Gooth, you now may leave the stand;
A timely exposé of a Pirate Chief and band!”

“Nay, stay!” a voice did cry, “recant ye erring Gooth.
Strict justice now demands we seek the lit’ral truth.”

GOOOTH UNDER CROSS-EXAMINATION.

A faithful pen regrets naught further can be said
Of that which happed to Gooth when questions-cross were read,

Except—Gooth tangled up so badly all he said,
Truth, in apostrophes, did wish poor Davy dead.

Nor did the angry Truth produce the witness Blate.
Instead, with madden’d look, Truth rubbed his shiny pate.

Then shoo’d Gooth from the stand, and ceased all farther quest.
“Your Honor,” quoth sad Truth, “the plaintiff here doth rest.”

PLAINTIFF RESTS.

MOTION TO DISMISS DENIED.

Counsel for Defence here motioned to dismiss,
Upon the legal grounds the case was brought amiss;

For, if, as plaintiff claimed, there’d been a mutiny,
His jurisdiction was a Court of Admir’lty.

But irate Justice Grump the motion prompt denied—
“Exception!” next was heard—“Proceed, Defendant’s side!”

THE DEFENCE

“HEAR THE OTHER SIDE.”

**“Audi alt’ram partem,” or “Hear the other side,”
’S a maxim of the Law which none can brush aside.**

CANTO SIXTH.

SETH BANGS, CORROBORATED BY THE CREW, BRIEFLY RELATES
THE VOYAGE OF THE "MERRILIES" AROUND
THE WORLD.

Seth Bangs was duly sworn, and then the manly crew,
And dovetailed all they told, with not a jot askew.

Substantially, 'twas shown, "The staunch ship 'Merrilies'
Was chartered by Seth Bangs and Gooth to sail high seas;

That, on a sunny morn, from Portland, State of Maine,
They, with a steady breeze, had crossed the foaming plain;

Had moored at British Isles, and weighed at Hebrides,
And tacked and veered and heaved with old Hippotades.

And spent a sennight they in viewing Egypt's Piles,
And sniffed the fragrant air upon Calypso's Isles.

The Lotus-eaters' shore, the Hills of Neilgherries,
The Empire of the Sun, they toured with princely ease.

Had kenned where erst did stand Dodona and Delphi,
Where Cicerones told about Epigoni;

And where Leander, youth, did swim the Hellespont,
And stopt at Circe's home—explored the whole Levant.

And went to Cashmere's Vale, to lands where spices grow,
And climbed to altitudes where mounts were capped with snow;

To halls and fanes of eld; to fields of battles great,
The themes of minstrels' lays and kingdoms' boast and prate;

Museums old and new, and also galleries—
At Athens they had seen the Caryatides,

With sculptured female forms entablatured near trees,
With cornice made of gold and amethystine frieze.

And toured the Ni'o-be of Nations' Appian Way,
And passed through catacombs where mummies old do stay;

The City of the Hills, ay, pride of ancient day,
Where pomp and vice so reeked the world was set amaze.

They visited the stance where brutal Heracles
With strong arms put to death Antaeus with a squeeze.

And scaled the crumbling walls surrounding old Cathay,
And toyed with gamesome winds that played upon Adr'a.

And passed Antipodes, and scanned the 'Cific Coast',
And oft they were the guests where royalty was host."

THE NARRATIVE OF THE FIRST MATE.

Then limped there to the stand a man a sailor-born,
With earrings in his ears, and whiskers, hair unshorn;

With eagle eye—his face deep-tanned by summer's sun—
Of age he probably was not more than fifty-one.

(In early youth, 'twas said, he'd gone to a 'Varsity;
A roving bent and rum had taken him to sea.

But years ago a-night ashore upon a spree
He fell and struck his leg and badly broke his knee.

And from that time to this no weather-gauge needs he—
Each time a storm comes up a warning's in his knee.)

"Zeb Liynd, the mate," he said, in answer to his name,
"No better A. B. lived, before my leg was game:

"Old 'shell-backs' lay to that, nor in the telling fail,
I've spread in many a breeze and reefed in many a gale—"

"Objected to," cried Truth, "absurd, ir-rel-e-vant—"
"Proceed thy version, Liynd," the Judge did loudly rant.

"'Twas night in balmy June, our ship was homeward bound,
A twelvemo we had toured, we'd been the world around.

"Our sails were set, our prow nosed north the 'Lantic main,
Our lads had cheery hearts, they'd soon be home again,

"When sudden Capt'n Gooth gave orders 'Veer around.'
Ill-omen seemed to *lure* him up Long Island Sound—"

"Objected to," cried Truth, "the year he's failed to state—"
"The year," came quick response, "was eighteen ninety-eight.

"All night, all day, we sailed. In night-watch, at bells eight,
Our noble ship had reached four leagues above Hell Gate—"

"Your Honor, I object—according to the log,
When *eight* bells had been struck, it meant the '*second dog*'—"

JUDGE GRUMP:

“The ‘second dog’, the what? The dog, the what—the Mate Will wholly amplify—the point elucidate!”

THE WITNESS:

“First dog-watch ’s four to six; the second, six-to-eight;
’Twas in the night-watch, sir, a mariner would state—”

“Objected to,” cried Truth, “ a gross absurdity,
That’s contra to the rules of merchantmen at sea.”

Objection overruled.

“Our silent ship moved on, a sort o’ sou’-west bound;
The veil of night closed in upon Long Island Sound.

“The distant lights grew dim on port and sta’board shores,
The homeward fisher plied more hurriedly his oars.

“And oft drew near our sides some sloop with bellied sail,
Their warnings ‘Ware the Gate!’ did naught Dave Gooth avail.”

Objected to as incompetent, immaterial and irrelevant.
Objection overruled.

“The sky was clear, the stars ne’er shone more bright in June.
Upon the glassy stream portray-ed was the moon—”

“Objected to,” cried Truth; “unnamed ’s the ship—the breeze.”
“The breeze was soft—the ship, the *gallant ‘Merrilies’*,

“As fine three-masted craft e’er breasted foul or fair,
Her mizzen, main, and fore, were handsome, I declare—”

"Objected to—er—ah, your Honor'll bear in mind
No proof has been adduced the boat was moved by wind."

"Say on, say on, good man," the Judge did loudly rail,
"Thy words do me impress—wouldst hear thy truthful tale!"

"Upon the fo'c'sle head the sta'board watch now sat,
Seth Bangs and Gooth drew nigh, ensued a lively spat—"

"Your Honor, I object—Objected to!" cried Truth,
"That statement is unfair to plaintiff David Gooth."

Objection overruled.

WITNESS CONTINUED:

"But what they there discussed not one our lads could hear;
Upon Seth's face we saw a deep imprinted fear.

"Beneath bright Cynthia's beams Seth's face it gleamed white,
Whilst for'ard o'er the prow the sky shone red with light.

"At length I heard Seth say, amidst the calm profound:
'An omen ill has *lured* you up Long Island Sound;

"'Some sort o' will-o-wisp illumines yon bow-line sky,
To me it grave imports our boat shall run awry.'

"Our ship the whiles moved on; at ebb was now the tide.
Seth Bangs would make for land upon the sta'board side.

"Said he, 'We're nearing York, and oft I've heard relate
A-up Long Island Sound is the "Avernian Gate",

“ ‘A channel of the sea, ’twixt Gotham’s eastern shore
And old-time burgher-town which bears the name “Astore”,

“ ‘Where surges seethe and heave, and eddies madly foam,
And billows dash and break against the rocks and loam;

“ ‘And where the tide at half, in wicked waters deep,
Impetuous rushes on, as down a current steep;

“ ‘Where hidden in the stream are reefs and shoals to rend
The stoutest ship in twain, and hurl it to an end.’

“But Gooth he wouldn’t hear, gave vent to further words.
Said he, *‘My word is law—my interest is two-thirds.’*

“ ‘*My money counts, controls; I’ve charter’d most the ship—
Egads! I’ll run her through, or smash her, keel to tip!*’ ”

“Objected to,” cried Truth, “*untrue, incompe-tent!*
I move that be expunged, as showing wrong intent.”

“Say on, say on, good Mate,” again the Judge did rail;
“Objection overrul’d. Proceed thy startling tale!”

“Full oft Seth cautioned Gooth, and Seth would shorten sail,
And make the harbor light, recedin’ from us, pale.

“But Gooth, the heady youth, in transports now did cry,
‘A faery-land exists beyond the bow-line sky!

“ ‘And by the stars above,’ said he, with stamp of heel,
‘My loyal friend Bill Blate will now relieve the wheel.

“The first mate, old Zeb Liynd, forthwith the wheel vacate—
And then Gooth beckoned to the lubb’rly second mate.

“The crew now angry grew, Seth Bangs a trifle glum;
The second mate, you see, was much the worse of rum.”

Judge Grump here peered over the rims of his spectacles
and asked the Mate to state “the respective positions of
Seth Bangs and David Gooth *at that particular time.*”

WITNESS CONTINUED:

“Abaft the binnacle Seth Bangs and Gooth did stand,
Bill Blate now took the wheel, Dave Gooth assumed command.

“Then for’ard Seth Bangs paced, on sta’board side near prow;
A sullen silence reigned, we heard the vessel plow.

“The ‘grave-yard’ watch was nigh—three hours since the ‘dog’;
Seth oft t’ th’ cabin went, and scrutinized the log.

“And oft Seth took the chart and gazed with circumspec’,
And then with anxious look return’d to the after-deck

“And watched the compass there; his mind was ill at ease;
We all could plainly see it was ‘the Merrilies’.

“Ah, ne’er was eve more fair than on this night in June;
Yet now and then there’d flit dark shadows ’cross the moon.

“Just playful spots at first, and then they larger grew,
They caught the eyes of Seth, they caught the eyes of crew.

“Grew darker than the shores; more darksome grew the stream;
To one before the mast some boding this did seem.

"Too plain it all did say, ere dawned another day,
A dread nor'easter gale about our ship should play.

"On, onward sped our ship; yet as we moved along
From shore we oft could hear some voice in plaintive song;

"Or music from some boat, returned from pleasure bent,
And oft we'd hear the bursts of joy and merriment.

"The luring sky ahead, the flaring lights of red,
With copious quaffs of drink, now fairly turned Gooth's head.

" 'Ah, see!' Gooth loud did cry, each time illumed the sky,
'A place we soon shall reach where pleasures never die!

" 'Some faery-land, ha-ha!—with streets like softest down—'
(Knew not the rustic Gooth that this was Gotham-town?)

"Up spake the Second Mate; with which he 'drew a cork';
Said he, "Them lights beseem the gay old town of York,

" 'A place of which I've hear'n, while sailerin' up in Maine,
Where bowze is plentiful, and temp'rance on the wane—' "

"Objected to!" cried Truth; "incompe-tent—hear-say—"
"Say on!!" the Judge did roar, "pursue thy even way!"

"Off sta'board quarter now a city's walls appeared;
Tall steeples, stacks, and domes their shad'wy heads upreared.

"The shores which theretofore so widely were diverged,
As if by magic now did almost seem converged.

"Dark houses, wolds, and hills loomed on our larboard side;
In midmost of the stream our ship did calmly glide

"Along a tortuous way, with turns now left, now right.
And here and there we'd see some dimly-burning light.

"Soon in the pitch of night grim lightnings 'gan to flare;
Low distant rumbling sounds came stealth'ly through the air.

The wind did veer nor'east, the glass did sudden change;
Foul weather seemed to lurk within a narrow range.

"Alarmed became the crew; nor calmed their fears nor ceas'd;
The 'Merrilies' was now far down the River East."

Objected to. Objection overruled.

Witness was about to continue, when Judge Grump looked up from the map of the East River and the Compass Card before him, and asked:

"Mate Liynd, what course on the East River was the vessel then pursuing: Westward, due South, or South-South-West?"

"South-West by South, sir," came the prompt answer.

"In what Latitude?"

"40 degrees, 45 minutes, 46 seconds, North, sir," again came quick response.

"What Longitude?"

"74 degrees, 54 minutes, 58 seconds, West, sir."

"What was the time of night?"

"Ship time, 7 bells—night watch; Shore time, 11:30 o'clock.

(The little Judge made careful note of these answers, and ordered the witness to resume.)

WITNESS CONTINUED:

"Again Seth cautioned Gooth to turn back ere too late.
Said he, 'The River East flows d'rectly to Hell Gate,

" 'A dark and dangerous strait the best of mariners fear,
Its current 's seldom smooth, its course is never clear.'"

"But Gooth, the heady youth, did boast'ly now declare,
When wind and tide were good, he could the devil dare.

" 'I'll pass the buoy,' said he, 'ignore I shall the bell;
OLD HELL GATE IS NO MORE, NOR IS THERE ANY HELL!

*"Exploded are all rocks, and foggy theories too,
So let the old ship run, and let her run right through!*

"The "frying pan", the "Mills", the cove they call "the Pot",
The "hog's back" and the "hen" no longer mar the spot!"

" 'Enough doth mar the spot,' Seth Bangs exclaimed in gloom,
To wreck our noble ship and send us all to doom.

" 'Tis like the Stream of Life, where pits and snares abide,
And sweep the erring one into the gulping tide.

" 'I warn you, David Gooth, beware and have a care,
The devil often lurks in water well as air!!'

"But Gooth, presumptuous youth, would not a word take heed;
Gave orders, 'Let out sail! increase the vessel's speed!'

"Said he, 'It's plain to me, two up-to-date young men
Know more than old Seth Bangs of age two-score-and-ten.

" 'And never had I use for sanctimon'ous fools
Who'd try to steer a ship by precepts and by rules.' "

"Objected to," cried Truth; "the veriest kind of rot
Upon my client's name Liynd seeks to cast a blot!"

"Objection overrul'd." "Exception," mumbled Truth.
"Proceed thy version, Liynd—what next was done by Gooth?"

"Gooth told the cabin-boy to fill a pannikin,
Then copiously imbibed of whiskey and of gin.

"Gooth sudden then grew wild, a large revolver drew,
And swore he'd 'fill with lead Seth Bangs and all the crew.'

" 'I'll keelhaul ev'ry man, and scuttle the d—d ship.
B' gee, I'll have my way—' Gooth sable oaths let rip.

"His oaths were scarcely said, when, with a madman's ire,
He pulled a gun on us, began a rapid fire.

"And we were driven below, for none was armed, you see;
Tho' most the shots Gooth fired were aimed at Seth and me."

BY THE COURT:

"And do you mean to say, that all your sailor band,
Yourself and Sethon Bangs, obeyed Dave Gooth's command?"

"I mean to say just this, Your Honor," answered Liynd,
"The pow'r of Dave Gooth our sailors had in mind.

"For not a man was armed—he had us dead to rights—
Except the Jap and Cook, and special favorites

"A-lying in the hold, and in the fo'c'sle bunks;
Where, snoring, we could hear 'em sleeping off their drunks—"

"Your Honor, I object; there no such thing occurred—"
"Proceed! (rap, rap) go on! the ev'dence shall be heard."

"In cabin then we met, we held a hurried chat;
Our A. B.'s they'd do this, the light hands they'd do that.

“And some would mutiny, and some of ’em would none;
The question most to solve was how to get Gooth’s gun.

“When—‘Hold, my lads!’ cried Seth, ‘I prithee moment wait,
From Gooth I’ll wrest *that gun* ere come we to Hell Gate!’

“Seth’s words were barely said, when, nothing more ado,
He clomb the cabin stairs, quick followed by the crew;

“Then stealing close on Gooth, Seth seized him from behind
And threw Gooth’s smoking gun into the murky brine.

“A desperate fight ensued—an ‘old salt’ ’gainst a youth—
Dave Gooth reigned blows on Seth, and Seth struck back at
Gooth.

“Seth’s boxing skill soon won; for, countering on Gooth’s neck,
Seth sent the hotspur Gooth a-rollin on the deck.

“Our lads then made a rush for Blate, the Second Mate;
They yanked him from the wheel, to save us from Hell Gate.

“Then down below they put the sputterin’ pair to bunk,
Until the followin’ morn to sober from their drunk—”

“Objected to,” cried Truth, his eyes and mind aflame;
“Defamatory to my client’s name and fame.

“Your Honor—I—I—move, that statement we delete—”
“O’erruled!” snarled the Judge, “thy version, Liynd, complete.

“But first, suppose you state, how near was now ‘the Gate’;
The fullest details give, nor letter syncopate.”

WITHIN "THE GATE"—AND THAT WHICH BEFELL THE
STAUNCH SHIP "MERRILIES."

(The Sailor continues his narrative.)

"Our ship scarce cleared the point which landmen call 'Ne-gro'
When suddenly set in a most tremendous blow.

"The very storm Dave Gooth had warnings of before
Was full upon us now, terrific'ly did roar.

"And soon—a bitter soon!—we realized too late,
The 'Merrilies' had crossed the threshold of Hell Gate—"

"Objected to," cried Truth; "illegal—wholly wrong—"
"Go on!" the Judge exclaimed; more eager grew the throng.

"All hands were piped on deck, with cries of 'Shorten sail!
The downhauls quickly pull, and fight ye hard the gale!"

"The whirling tempest now came on us aft and fore;
Commands could scarce be heard, so deaf'ning was the roar.

" 'Let go the halyards, lads—the throat and peak, the fore!
But ere they could respond our boat she canted o'er,

"Upon her larboard* side—the sails they hard did draw—
She gave a sickening heave, and then a violent yaw.

" 'Stand by our noble ship; be ready t' go about!
The terror-thrilling storm did put our lads to rout!

" 'Two light hands spring aloft to furl the stays'ls twain!
Fell one from mizzen shroud, the other from the main.

* "Port" now used.

“Three lads there lay aloft to furl the topsails three!”
‘Aye, aye, sir—’ but the lads could not a ratline see.

“Pull on the downhauls, pull—all hands wear ship around—
Ill destined seems our ship, for not a sail ’s brought down!”

“Get out there to the jibs, men trained before the mast!”
They reeled upon the decks, the storm grew grilling, vast.

“Go up the rigging, lads—push upwards through the clouds!”
The beating hurricane it pinned ’em ’gainst the shrouds.

“Again the cry rang out to close reef, shorten sail;
But not a man could stand the onslaught of the gale.

“Each time they did attempt to battle with the blow
Down hatchways and the stairs it hurled ’em all below.

“‘Come, tumble up here, men—’ (up clomb the valiant crew).
‘Fight on, each man, fight on! and prove a sailor true!’

“‘Strong hands, quick hurry aft, to reef the mizzen-sail’—
Back, back, the brave lads reeled against the larboard rail.

“‘Be lively, at the main—t’ th’ rail quick lash the boom!’
Flashed, flashed! the lightnings flashed, illum’ning ill the gloom.

“‘Two points to sta’board, Mate; quick, hard up put the wheel—
Be chary of the rocks, and keep an even keel!’

“The ship now tost and pitched, and leapt into the air;
Our lads they moved in fright, and some in blank despair.

"And consternation dire was on each sailor's face;
The cabin's lights went out, none could a being trace.

"Take cheer, my lads, take cheer, nor fear this ugly night!"
Against our sides and stern, the waves did heave with might.

"'Twas now the midnight hour, yet not a bell was struck;
'Dave Gooth,' the lads avowed, 'had brought the ship ill-luck.'

"Objected to," cried Truth. Objection overruled.

"'Gooth's scoff at God,' said they, 'should work us dismal woe;
Against the rocks and shoals mayhap our ship would go.'"

"Objection!" shouted Truth; "a medieval play
To superstitious minds—" "Go on!" the Judge did say.

"Now vanished all the lights along the Gotham shore;
As dark as Acheron grew Hell Gate and Astore.

"Rolled! rolled! the thunder rolled, as of a firing line,
An hundred cannon strong above the Hell Gate brine!

"Flashed! flashed! the lightning flashed its lurid mete-ors
Above our masts and decks begleaming stream and shores!

"The murky waters heaved with fierce engulfing force;
Now left, now right, we swerved, a bark without a course.

"We heard the lookout's cry of 'Breakers, rocks ahead!'
But, driven by Tempest-fiends, our vessel onward sped;

"A-pitching, tumbling on, toward the cove, 'the Pot';
We violently were hurled ere drew we near the spot.

“The sails then sudden filled upon the sta’board tack,
We leeward sudden veered—we then were ta’en aback.

**"And up the Gate were swept, a-tossing round and round—
The tide was now at half, and running toward the Sound.**

“Loud, louder, shrieked the winds, through rope and block
and chain,
Through scuppers waters rolled, in torrents fell the rain.

**“ ‘Pull down the sails, pull down! three hearties try again!’
Against the terror-storm their efforts were in vain.**

**"The ship now sudden lurched toward the channel's bend.
She rocked, she rolled, she heaved, she seemed to stand on end.**

**"The midnight waters dark, upheaving with the tide,
Came washing over our decks upon the weather side.**

“Port, sta’board lights went out; loud shrieked the rigging,
shrouds;
Our fateful ship was gript by hail and rain and clouds!

**"Aloft, alow, around, amidst the dark compact,
The warring elements now formed a cataract.**

**"It verily seemed the winds and waters of a sea
In combat then engaged to gain the mastery,**

**“And with their battling blows, delivered in the dark,
Had foully struck the sails and broadsides of our bark.**

**"The stays'l sheets gave way, from out their blocks did tear;
And with the riot blast went swirling through the air.**

“The foregafftops’l, too, a light and slender sail,
From clew to earing rent, and vanished in the gale.

“The main and mizzen tops—gafftops’ls, so to speak—
Then tore from tacks and sheets, blew leeward with a shriek.

“Forestays’l, inner jib, were then to ribbons torn;
Then fores’l, with its sheet, upon the gale was borne.

“The mizzen canvas ‘eyed,’ and, gaping wide, did rend
Head to foot, leech to luff, and with the tempest blend!

“The flying jib here frayed, and was to tatters blown;
Maintopm’st snapt short off, athwart the deck was thrown.

“The gilded martingale, which erst did downward point,
Blew ’way with jumper stays, chain, live-oak, bolt and joint.

“Broke loose the jib boom next, went crackling with a sail;
Down dropt the mizzenm’st—it were no common gale!

“And then foretopm’st cracked, went wheezing overboard;
Creaked, creaked, the timbers creaked! loud, loud the waters
roared!

“From bows to taffrail now, spars, rigging strew the decks;
In knots and bights were ropes, the gaffs were dreary wrecks.

“ ‘Clew up the mains’l, lads; keep right before the wind!’
Cold Davy Jones was there, and one our lads did find.

“ ‘Stand by, ye noble lads— lay under the try-sail!’
Again they backward reeled, half-blinded by the gale.

“Hoist up the storm-sail, hoist! quick bend it to the main!”
In the Cimmerian night their efforts were in vain.

“The lookout at the head now hard came tumbling down
Upon the fo’c’sle head and veered off in a swound

**“On to the for’ard deck, close by the galley-door;
Kind messmates rescued him, but could not him restore.**

**“Flash! flash!—the lightnings flash from out their molten mine,
And send their livid gleams across the Hell Gate brine!**

**"Ding! dong! the Lighthouse bell rings out its doleful song;
The Ferry bell repeats drear echoes loud and long!"**

**"Again the thunders roll—their bellows loud resound
Above the town Astore and down Long Island Sound.**

**"From crevice and from nook of vast, caliginous sky
Grim superheated gleams more numerous seem to fly!**

**“They quiver, flit and hiss above the lashing shoals,
The wild waves lave and plash, again the thunder rolls!**

**“Come fast the howling winds with vengeance ’gainst our sides—
Ah, see! the Hell-hound Fiend our flounder’d boat bestrides!**

**“O when was night like this when Hermes in his ire
More violent did rage and send such tumult dire!**

"Gone, gone, were all our sails, the halyards, blocks, and 'trees,
Hoops, tacks, and sheets, and stays—gone leeward on their
knees.

"Gone—gone, ay, all were gone; alone a single mast—
The mainm'st, firm and strong; but how long could it last?

"For Hell Gate now did seem to rival all the seas;
Our boat now fell aslant at 45 degrees,

"And we did seem adrift like on a shoreless sea,
With darkness all about and in the demon's e'e,

"When—sudden we received a hard and startling shock—
She staggered to her legs, and then began to rock.

"The hog's-back she had struck—our boat did seem aground;
She righted with a lunge, moved south'ard with a bound,

"A-heaving, rolling on, then for'ard she did jump
Near Hallett's Point she struck with awful crash and bump.

"We saw the lighthouse top, and heard its maddening bell,
But Chaos reigned supreme, and we within its spell.

"A bedlam now of tones arose on every hand,
And yet amidst it all was one who gave command.

" 'A-helm's alee! ye Mate!' was heard amidst the roar—
Seth Bangs went toppling back, the storm had bowled him o'er.

"Brave Seth regained his feet, like one of youthful form,
More vigorous and alert, undaunted fought the storm.

" 'Throw over casks of oil! and lighten up the ship!
Hang *two* casks from the bows, and let the oil there drip!'

"But scarce a cask they threw from off the ship that night;
Like dolphins and sea-mews they fled the decks in flight!

“The pumps! the pumps!! the pumps!!!” Seth’s stirring words
rang out.
“Get to the pumps, be quick! both fore and aft, pump out!!!”

“Pump out! pump out!! pump out!!!” like devils worked the
A crash—a bang, a crash—upon their backs they flew. crew.

“The anchor, boys, make haste! and rouse ye up the chain!”
Like sea-gulls in a squall, they fell and fell again.

“A fierce tempestuous blast now blew me from the wheel—
Adown the after-stairs headforemost I did reel.

“The wheel! the wheel!—Seth Bangs—” the sailors loudly
cried.
But ere their words were spoke she stove her larboard side.

“The wheel! the wheel!—Seth Bangs!!—Avert impending
fate—”
Like Hades broken loose, seemed all about Hell Gate!

(The sailor here paused in his narrative, then slowly
continued.)

“Yet in those moments dire, while lurid lightnings flashed,
When winds rebelled and howled, and thunders rolled and
crashed;

“When all our hopes seemed gone, and all on board seemed lost,
When we abandoned seemed, and wrecked and tempest tossed;

"When daring and great skill and mettle need be tried—
'Twas then along the deck a form did nobly glide.

"No aim had it to win an everlasting name,
Or some 'Great Sailors' Prize' by which to climb to fame—"

"Objection!" shouted Truth; "absurd, in-def-i-nite—"
"Go on! thy story, Liynd—what else occurred that night?"

"Despite the raging storm, with courage unsurpassed,
Brave Sethon Bangs fought on and reached the wheel at last.

"And while three hearty lads re-set the lone *main-sail*,
Seth firmly grasped the wheel and drove us through the gale.

"On, on with winds abaft, on, on through weltering tide,
Seth safely steered our ship along the Gotham side!!!"

COUNSELLOR TRUTH CROSS-EXAMINES MATE LIYND.

Up jumped the fiery Truth upon the court-room floor,
And shook his fist at Liynd with a mighty roar.

(Truth reading from his notes)

"'Upon the fo'c'sle head the sta'board watch now sat;
Seth Bangs and Gooth drew nigh, ensued a lively spat.'

"Now—as an A. B., Liynd, don't you really know,
The starboard watch was then off duty down below,

"And that the larboard watch, with Second Mate in check,
Was at that very time on duty up on deck?"

Witness answered "No."

(Defence then showed that at eight bells the night-watch was set, with Zeb Liynd, first mate, in command of the lar-board (port) watch; that the starboard watch were off duty, on the fo'c'sle head and were not below, as contended by Counsellor Truth.)

"You've stated, have you not, 'at four bells—second dog—You took the temperature and heaved or hove the log?'"

Witness again answered "No."

(Defence showed that at eight bells, not at four bells, the temperature had been taken, the log hove, and the wheel relieved.)

(Truth now started on another and more desperate tack.)

"You've sworn, sir, have you not—'Gooth filled a pannikin, Then copiously imbibed of whiskey and of gin;

"That sudd'nly Gooth grew wild—a large revolver drew, And swore he'd fill with holes Seth Bangs and all the crew?'"

"Admit making those statements?" shouted Truth, in a high, shrill voice.

Witness admitted he so stated.

"That scarce his words were spoke, when, with a madman's ire, Gooth pulled a gun on us—began a rapid fire."

"And that?" asked the thoroughly angered Truth.

"I so stated," answered the mate, deferentially.

"Well, now, sir, don't you know, there's not a word of truth
In all you've testified concerning plaintiff Gooth,

"But base, malicious lies—mere figments of the brain,
Rehearsed by Bangs and you o'er-and-over-again;

"And that th' d'fendant Bangs, as I shall shortly prove,
Did *pay to you a bribe*, which shapes your ev'ry move?"

Question objected to by the Defence.

JUDGE GRUMP:

"S'nog'raper, strike that out!"

COUNSELLOR TRUTH:

"Well, then, sir, witness Liynd, is it not the fact,
You've cunningly concealed Gooth's *summum bonum* act.

"Is it not the fact, that, *for the general good*,
Dave Gooth performed an act of sovereign pulchritude?

"Is it not the fact, *that night* while in 'the Gate,'
Dave Gooth performed an act which none can underrate?

"Come—answer me at once—how dare you hesitate!
Concealment of true fact is treason 'gainst the State!!"

"I cannot, sir, recall, a single fact to state,
Commendable of Dave Gooth that night while in 'the Gate'."

"You do—you do! a lie!!" here shouted irate Truth.

"You know who saved the ship—'twas fair-haired David
Gooth!

“And no accurs-ed whelp shall rob him of his due,
Aided and abetted by a pirate chief and crew!

“And I, sir, now demand, before this learn-ed court,
The jury, auditors, and scribes who make report,

“You tell that act of Dave’s which all the world should know—
Posterity demands it on this record go!”

The sailor grooved his brow; the crowded court was stirred,
And many a face grew tense to catch his ev’ry word.

“In ‘dead watch’ when the Gate upheav-ed like ten seas,
Dave Gooth and Second Mate both dropt upon their knees.”

The sailor here did pause, did hesitate to state,
But Truth, impatient Truth, did shout, “Go on! relate!”

“I saw Gooth fold his hands, then shout most fervently,
‘O heavens please to save the Second Mate and Me!’

“ ‘And dear good heavens, please—when safely we reach shore,
Sink down old Bangs and crew to Hell-Gate’s rocky shore!’ ”

“Away! be gone!” cried Truth, with frantic wave of hand,
“A base, ignoble use of our cherish’d witness-stand!!”

AGED LAWYER REMSEN SUMS UP FOR THE DEFENCE.

A solemn silence reigned throughout the crowded court,
As rose there now a man of dignity, import.

A keen, broad-vision’d man, God-fearing, for the right;
Calm, gentle, and benign, full radiant with His light.

The aged lawyer seemed to baffle brush and pen,
As firm, erect, he faced the Judge and Jurymen.

“Your Honor: Chosen Peers: (his looks were wise and kind)
I shall not emphasize the version of Zeb Liynd.

“Nor shall I speak of deeds, which are in record form,
Of him who saved the ship, that night amidst the storm.

“Well done, those deeds—they stand, unheralded by fame—
A lasting tribute to a man of worthy name.

“Nor need I say Gooth’s case is merest travesty
Upon this honor’d court, and should non-suited be.

“These points, and others too, most ably you’ll decide;
The crux, it seems to me, is the great *Moral* side.

“Recall how Seth Bangs urged Dave Gooth ‘to have a care,
Lest on your downward course some danger linger there.

“ ’Tis like the Stream of Life where pits and snares abide,
And sweep the erring one into the gulping tide.’

“Recall how David Gooth would not a word take heed;
Gave orders—‘Let out sail! increase the vessel’s speed!

“The “frying pan,” the “Mills,” the cove they call “the Pot,”
The “hog’s back,” and the “hen,” no longer mar the spot.

“*Exploded are all reefs, and fogy theories, too;*
So let the old ship rip, and let her run right through!

*“I’ll pass the warning buoys—ignore I shall the bell,
OLD HELL GATE IS NO MORE, NOR IS THERE ANY
HELL!!!”* ”

(The speaker paused.)

“Now, though BRIGHT SCHOLARS hold precisely similar
I somehow calculate *THE DEVIL ’LL GET HIS DUES!* views,

“How oft—alas, too oft!—hath mankind learned too late
The lesson such as Gooth’s that night in dread Hell Gate!

“Illusioned first by glares where rocks and shoals abide,
Then—storm-tossed, wrecked, and Lost, in the engulfing tide!

“Seth Bangs a Pilot is who knows the Stream to Fate
As thor’ghly as he does the dangers of Hell Gate.

“Full well he knows, doth Seth, from knowledge gain’d with
Far less the Stream to Life a mystery appears. years,

“For God so loved the world, that in each current’s strife,
His lighthouse points the way to Everlasting Life;

“The sailor on the ship, the landsman on the lea,
To each it brightly gleams throughout Eternity!”

When closed the speaker’s words he quietly sat down
Beside defendant Bangs—U. Truth he gave a frown.

TRUTH RE-ASSURES CLIENT GOOTH OF VERDICT AND VICTORY.

Upon his feet again, was Counsellor 'Lysses Truth,
Podsnappered all defeat, fought on for client Gooth.

"A Truth is never whipped!" Truth mutter'd to Dave Gooth,
"And now it's eye for eye, and—curse 'em!—tooth for tooth.

"The knife to very hilt—no quarter shall I show,
As he who fights a Truth most ruefully shall know.

"Now learns the varlet Bangs his cause has lost its boon;
Now girded are my loins, there's blood upon the moon!

"And now the scorching bolts of 'Lysses Truth, Esquire,
Shall far more flaming be than was Hephaestus' fire!"

"But first, my Davy boy, I'll salve 'em with finesse—
Lay stress upon the fact they kept you in duress.

"By Machi'velian art the jury I'll impress,
And, when I'm through, my boy—*the verdict you may guess!*"

So saying, pudgy Truth faced toward the Jury-box.
Unvanquished, there he stood—a living paradox—

A "living paradox," Truth verily now did seem;
Truth, falsehood—right and wrong—from out his eyes did
gleam.

Yet marvel not thereat, nor Truth now disavow,
He suavely to the Judge and Jury makes his bow.

COUNSELLOR TRUTH SUMS UP FOR PLAINTIFF DAVID GOOTH.

“Your Honor, May it please: and Jurors—Gentlemen:
For plaintiff David Gooth I rise to plead again.

“Demosthenes when for Athenian Liberty,
Had not a greater cause than that for which I plea.

“Nor did the Bowman Tell, brave man of Arrow fame,
Espouse a nobler cause in freedom’s glorious name.

“I therefore urge you will all bias set aside
And weigh the evidence which plaintiff has supplied.

“What are the facts, good Sirs? ’Tis eve in fairest June,
A starry canopy, a full and lustered moon.

“A moonlit, shining course upon Long Island Sound,
A happy touring ship is gayly westward bound.

“Commanding this gay ship ’s a model type of man;
Its master, head, and guide, who d’rects from sea to land.

“This master, gentlemen, is loved by mates and crew
And all aboard the ship with whom he’d had to do.

“Indeed, it may be said, not e’en in Acadie
Did dwell more dulcet love, more perfect harmony,

“Than on this selfsame ship, up to the time I state—
The night of June the ninth, in Eighteen Ninety Eight.

“But sudden rose a storm—nor in the east nor west—
But in the cockles of a base-born rival’s breast.

“The Green-Eyed Monster, Sirs, had gained this rival’s heart,
And from that moment *he* essayed a desperate part.

“A part so steeped in guile, so fraught with villainy,
It has no equal, Sirs, on land or on the sea.

“Upon that very night, in twinkling of an eye,
This rival, Sirs, designed youth’s joy and peace should die.

“With contumelious hate and canker’d enmity
This rival open ’vowed he should the skipper be,

“And Sirs, what happened next?—Adown the cabin stairs
He formed a ruffian band, divided into pairs.

“By stealth they reached the deck—the rival in the lead—
Intent upon a crime, or very awful deed.

“Ah, Gentlemen, I pause, that you should further know
How then that rival *dealt* this youth a stunning blow.

“Nor ceased his rancor there, the fiend insatiate,
Wouldst further now avenge his deep long-settled hate:

“For, drawing near this youth, he bound him hand and toe;
Then, with his myrmidons, he dragged Gooth down below.

“Nay, more—yet more, good Sirs; forbear I here to tell,
How then he tortured Gooth, this Ahriman* from hell.

* Counsellor Truth no doubt meant Seth Bangs, not David Gooth, was the Ahriman.

“Forbear I, sirs, to say, how on the bilgy floor
He felled this high-born youth, deep saturate with gore.

“Forbear I, sirs, to say, how—dastard ill-possessed!—
He cruelly scourged this youth upon his naked breast.

“Nor need I say to you, how, with a poisoned knife,
The gorgon-eyed base wretch did try to take Gooth’s life!

“Nor need I here recount, how, heedless of Gooth’s cries,
Yon bloody-minded Bangs did try to gouge Gooth’s eyes!

“Nay, nay, my fellow-men, too awful all this be
Which found its climax in—*Gooth’s loss of Liberty!*

“Now, Gentlemen, I say, in all the black array
Of criminals, large and small, in the nether gloom to-day:

“Ix-i-on, Sisy-phas; the Three Da-na-i-des;
And others of their ilk, more despicable than these.

“Not one, I say—not one—in all that banish-ment,
Deserves a harsher fate, more drastic punish-ment,

“Than the Defendant Bangs—arch-culprit of this age,
The devil’s substitute, his cat’s-paw, and his page!

“O for the Tartarous Court where Minos did preside;
Or Rhadamanthus, Judge, hard by the fiery tide

“Of river Phlegethon, where villains like Seth Bangs
Were hurled into the flames to suffer endless pangs!

“Seth Bangs, the pirate chief, whom ages will decry—
The man who durst not look you steadfast in the eye.

"The man who cravenly sits crouching in this court,
Full knowledged of the fact he committed a grave tort.

"The man who says 'Aha!' and laughs a friend to scorn,
Unmindful that his friend is to the manner born.

"The man who'd seek to trail one's ermine in the dust,
Even though one's cause were wholly right and just.

"The man with fattened eyes and leanness in his soul,
Who robbed Gooth of command to gain a lusted goal.

"A cozener, a churl—a most egregious dog,
Who's come into this court to d'ceive and t' cog!

"A brazen Haman, Sirs, who void of love and truth,
Now seeks his Mordecai in plaintiff David Gooth.

"But Haman, you'll recall—instead of Mordecai—
Himself the gallows claimed, some fifty cubits high!

"A very Brutus, Sirs, who having failed to rule,
Stabs now his Caesar in a manner ruthless, cruel!

"Ah, such is Sethon Bangs! And woe betide the day
When men of his bold type achieve with broad eclat!

"And so, my noble peers, when one is found so low,
Society demands we strike a telling blow!

"For when Seth Bangs defied our Nation's laws, commands,
'Twas not alone Dave Gooth who suffered at his hands;

"Nay more, my Countrymen—as you can plainly see—
It meant our commonwealth—which means, Sirs, *You and Me!*"

“DAVE GOOTH controlled the ship: this cannot be denied;
It clearly follows then that RIGHT was on his side.

“And when by force Seth Bangs usurped the ship and crew,
Bangs *ultra vires* did what he'd no right to do.

“Compared with which, I'd say, the murderer's stealth at night
Is more commendable, more honorable and 'white'!!

“And so, I say, 'tis YOU, must teach Seth Bangs to parse,
Our Trials by Jury, Sirs, shall not become a farce!

“'Tis YOU, good Sirs, must say the Habeas Corpus Writ
Shall not be nullified and cast into the pit!

“'Tis YOU, my Noble Peers, High Magi of this Court,
Must signalize today you've not condemned a tort!

“For, true as sun shall shine, veniremen oath-en bound
Will not believe Liynd's yarn relating to the Sound.

“It emanates from what? Ah, say it not in vain—
The omnium gatherium of a fool's disordered brain.

“Liynd's gestures, voice and mien while on the witness-stand
Too plainly emphasize the character of the man.

“You'll therefore, Gentlemen, ignore and set aside,
All to which Zeb Liynd 's so falsely testified—”

“But stay!” (a juror cried) “the plaintiff had a gun—”
“—The basest calumny e'er uttered 'neath the sun.”

(Here turned the glowering Truth in anger toward a chair
Where sat an aged man with soft and silver'd hair.)

“But there’s the villain—there!” (Truth’s finger pointing
Ly at the gallant one, thrice hero of Hell Gate.) straight-

“There sits the per-ju-rer!—arch-plotter of it all,
Who privily connived this inn’cent youth should fall!

“There, shrinks the leasing whelp! the base Is-car-i-ott!
Who treach’rously betrayed this child without a blot!

“There, squeams the Ro-bes-pierre, who’s crown’d his name
with shame—
The Arnold and André, on whom shall rest all blame!!

“Now, Gentlemen, I say, *if unavenged’s Dave Gooth,*
’Twill mark the blackest page in the history of all youth!!!

“Ah, hist’ry ’ll never record a baser in-fa-mee
Than Sethton Bangs bold steal of Dave Gooth’s libertee!!!

“I therefore urge of you, THE LAW AS WELL AS TRUTH
Demands your VERDICT be for PLAINTIFF DAVID
GOOTH!!!”

With hand above his head, and stamping hard the floor,
The gasping, wheezing Truth let out a frightful roar.

“Why, Gentlemen,” cried Truth, “ye verily must be blind,
If deem ye not Seth Bangs the *Ishmael* of mankind.

“And further, let me add, without the slightest marge—
THIS NATION CAN’T EXIST WITH SETHTON BANGS
AT LARGE!!”

So scathing now grew Truth, so violent his rage,
A voice did sudden shout, "Respect ye not old age?"

"For shame!" and "Hold!" "Enough!" came cries from all
Until the startled Judge did order Truth sit down. around,

("And mighty well he *did*," the record states, in sooth,
"Or else they'd made an end of young Ulysses Truth.")

"ADJOURN-ED!" cried the Clerk; "EXCUSED ALL JURY-
MEN—
"REPORT HERE, ONE AND ALL, TO-MORROW MORN
AT TEN!"

IN COURT—LAST DAY.

CLOSING SCENES IN THE TRIAL OF BANGS ADVERSUS GOOTH.

The court-room 's packed this morn as ne'er it's been before;
Again an eager throng has packed it to the door.

"Hear ye! hear ye! hear ye!" "Have silence in the court!"
The Crier shouts his words, and gives a sniff and snort,

Whilst from the Chambers comes that same familiar tread—
Judge Grump is glaring hard—his face is very red.

To all within the court it may be plainly seen
He's not in blissful mood, nor e'en a bit serene.

Forth to the lofty bench he stalks and takes his seat—
"Pie Powder Court!" he snarls, and wipes his *dusty* feet.

Bang, bang! the gavel falls; he scowls and blinks his eyes,
Then with a wave of hand he bids the jurors rise.

THE JUDGE'S CHARGE.

Gentlemen of the Jury:

"This action has been brought by plaintiff David Gooth,
A citizen of Maine, through counsel U. N. Truth,

"Against one Sethton Bangs, impleaded with the crew
Of 'Merrilies' the ship, with which they'd had to do.

"The plaintiff claims a night in eighteen ninety-eight
The schooner 'Merrilies' was sailing through Hell Gate,

"A very dangerous stream off Gotham's eastern shore,
And westward of the town which poets call Astore.

"That, of the 'Merrilies' the plaintiff had command
Until the ship returned to Maine—the Portland strand—

"From pleasuring the world, the which they'd sailed around;
Fortuitously were drawn then up Long Island Sound

"By Chance's glamoring Star, and finally reached the Strait
Which mar'ners aptly term 'Inferno' or Hell Gate.

"Comes into Court Seth Bangs, a skipper of good name,
Refutes the plaintiff's charge, and puts on him all blame.

"Produces witnesses—a strong and manly crew—
Who, one and all, declare Gooth's statements are untrue.

"Now, Gentlemen, the facts or evidence you've heard;
On the merits of the case I shall not speak a word;

"For you, as citizens, have ta'en your oaths to hear
The cause of Plaintiff Gooth unbiased, without fear.

"Unto the jury-room you'll therefore now repair,
And reach a verdict there which shall be just and fair—"

"Your Honor, you must *charge*," here Truth did loudly shout,
"Their verdict be *for Gooth*, beyond all range of doubt—"

"*I charge you, Gentlemen—I charge you—I declare—*"
Here something did occur which caused all eyes to stare.

Gooth's tipsy friend "Bill" Blate, a-sleeping near the door,
Fell headlong from his chair, and rolled upon the floor,

Which caused the Judge to stray most woefully from his text;
The jurors blinked their eyes, and seemed a bit perplexed.

"*I charge you, Gentlemen, beyond all range of doubt,
Young-Counsellor-Truth-be-jailed-and-Seth-ton-Bangs-stay-out.*"

"Your Honor: I object—objected to, I say,
I stand for freemen's rights, the czars have had their day!

"No *Jeffreys of Assize** durst in this court hold sway,
Nor pleader's rights abridge, or lightly take away.

"Abridge ye once *those* rights, our legal fabric falls,
To desuetude, decay, and crumble these great walls!"

(Striking a dramatic posture, with his hand high above
his head, young Counsellor Truth here bellowed so loud it
fairly made old Judge Grump gasp with astonishment.)

* Sir George Jeffreys—
A tyrannical Judge in the time of James II.

*"May perish from our land Judicial tyr-ran-nies
Which wrest from Advo-cates their legal legacies!*

*"May perish from our globe all Jeffreys and their kind,
Who turn deaf ears to truth, and are perversely blind!!*

*"Sir—in the name of Kent, of Coke, and Puffendorf,
North, Sallust, Tully, Hale—famed legal woof and warp;*

*"Of Grotius, Oleron, Lord Mansfield, Fortescue,
Lord Kenyon, Bracton, Locke—and others quite a few;*

*"In those great Jurists' names, on the record have it spread—
Counsellor Truth objects to everything you've said!*

*"And further, please to note, objections more there be—
The grounds of all the I's* and incapaci-tee—"*

*"Objections overruled!!!" was heard above the din—
"The Jury will file out, then bring their verdict in."*

THE VERDICT.

The Jury did "file out," but only went as far,
As to the space reserved for members of the Bar,

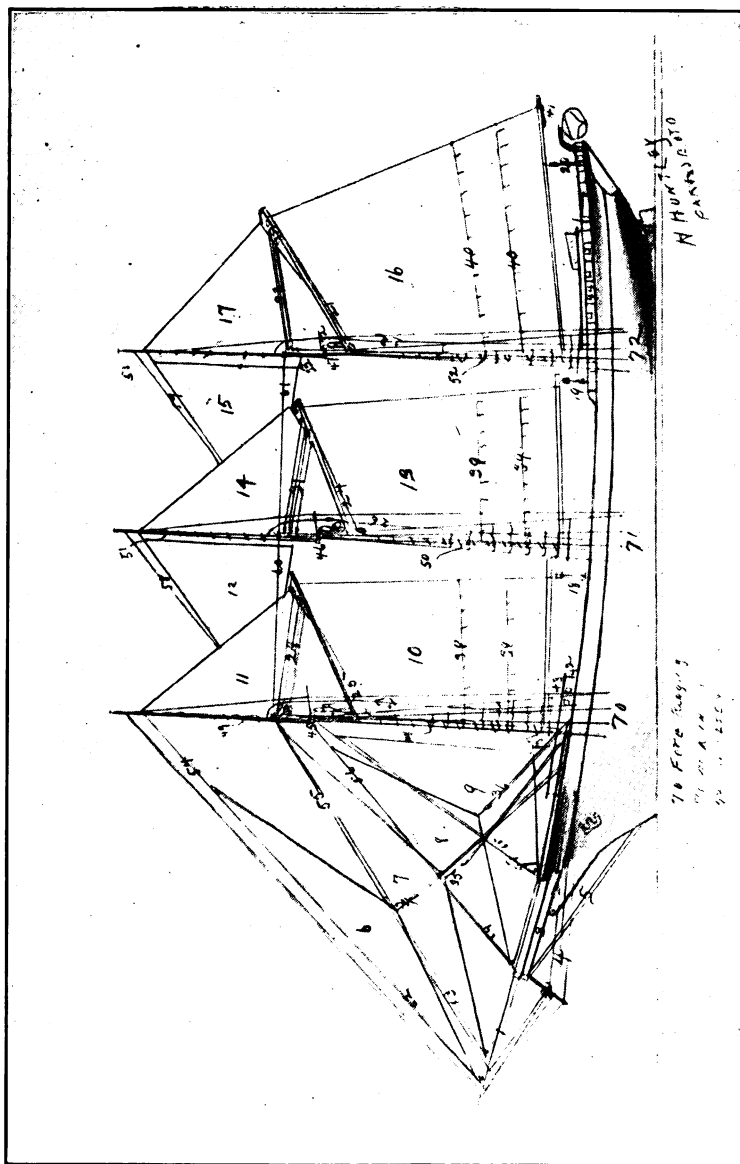
And there, in unison, in front of Counsellor Truth,
Declared their Verdict FOR SETH BANGS, WITH COSTS
TO GOOTH.

* I's—

Incompetent, immaterial, irrelevant, improper, illegal, and indefinite.

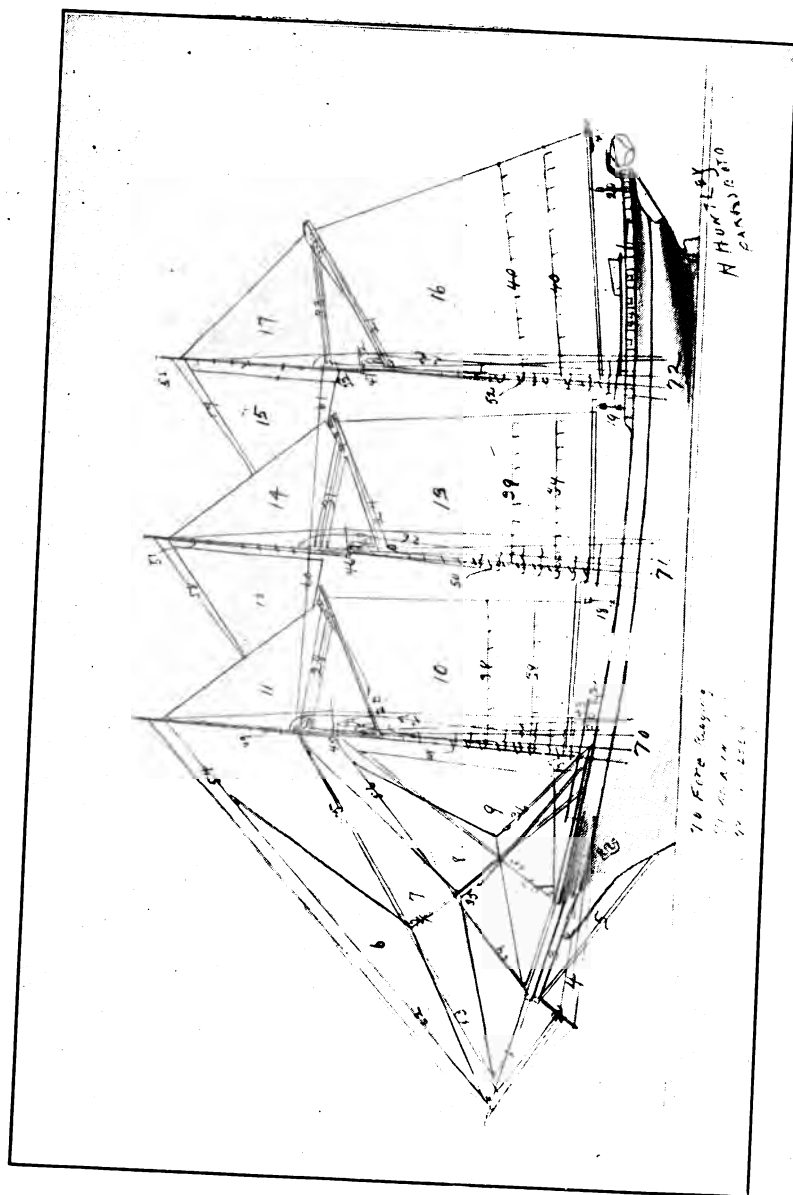
Parts of Schooner "MERRILIES"—Sails, Rigging, &c.

1	Jib-boom	23	Mizzen-topmast staysail sheet	45	Fore cross-trees
2	Martingale	24	Maingafftopsail sheet	46	Main cross-trees
3	Bowprit	25	Foregafftopsail sheet	47	Mizzen cross-trees
4	Jumper stays	26	Maingafftopsail tack	48	Foresail hoops
5	Bob stays	27	Foregafftopsail tack	49	Foregafftopsail hoops
6	Outer jib	28	Fore peak halyard	50	Mainsail hoops
7	Flying jib	29	Fore throat halyard	51	Maingafftopsail hoops
8	Jib	30	Main throat halyard	52	Spanker hoops
9	Forestaysail	31	Main peak halyard	53	Mizzengafftopsail hoops
10	Foresail	32	Spanker throat halyard	54	Outer jib stay
11	Foregafftopsail	33	Spanker peak halyard	55	Flying jib stay
12	Mantopmast staysail	34	Outer jib sheet	56	Jib stay
13	Mainsail	35	Flying jib sheet	57	Forestaysail stay
14	Maingafftopsail	36	Jib sheet	58	Maintopmast stay
15	Mizzen-topmast staysail	37	Forestaysail sheet	59	Mizzen-topmast stay
16	Spanker	38	Foresail reef	60	Fore spring stay
17	Mizzengafftopsail	39	Mainsail reef	61	Main spring stay
18	Fore sheet	40	Spanker reef	62	Outer jib downhaul
19	Main sheet	41	Spanker reef tackle	63	Flying jib downhaul
20	Spanker sheet	42	Galley	64	Jib downhaul
21	Mizzengafftopsail sheet	43	Forecastle (fo'c'sle)	65	Forestaysail downhaul
22	Mizzengafftopsail tack	44	Cabin		



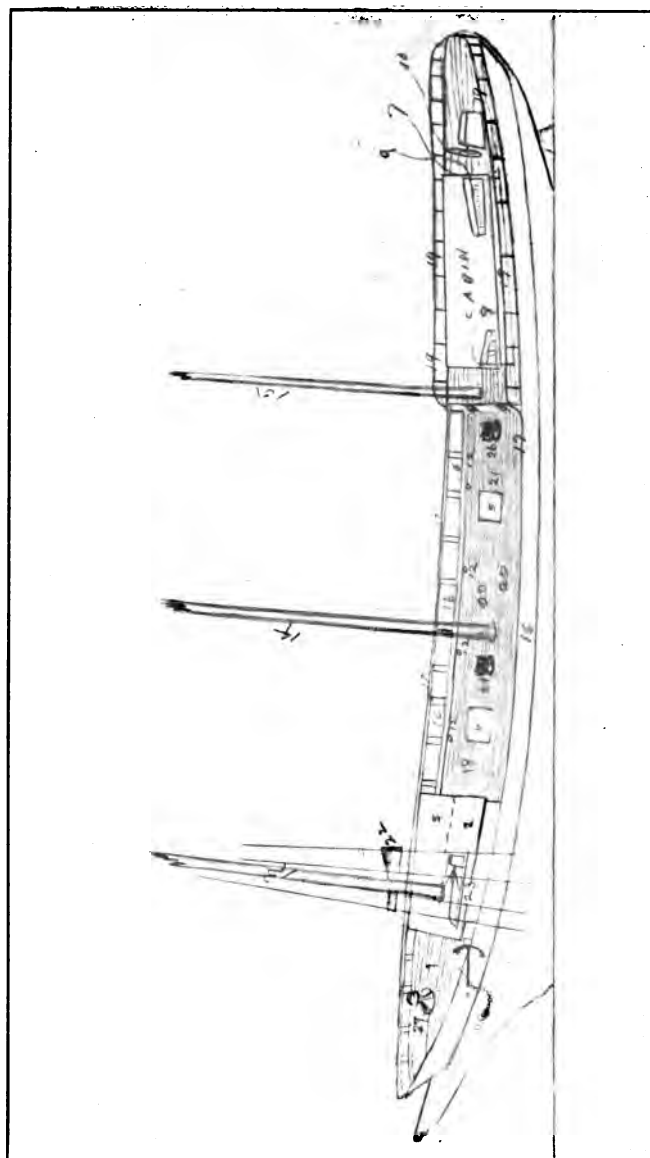
Parts of Schooner "MERRILIES"—Sails, Rigging, &c.

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12	Mantopmast staysail	34	Outer jib sheet	56	Jib stay
13	Mainsail	35	Flying jib sheet	57	Forestaysail stay
14	Maingafftopsail	36	Jib sheet	58	Maintopmast stay
15	Mizzentopmast staysail	37	Forestaysail sheet	59	Mizzentopmast stay
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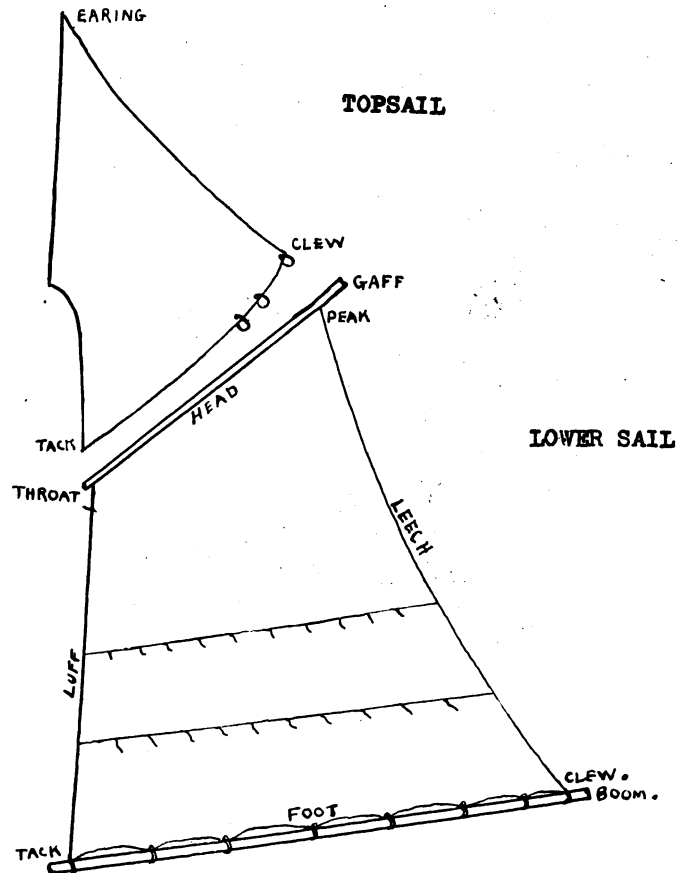


Parts of Schooner "MERRILIES"—Decks, Cabin, &c.

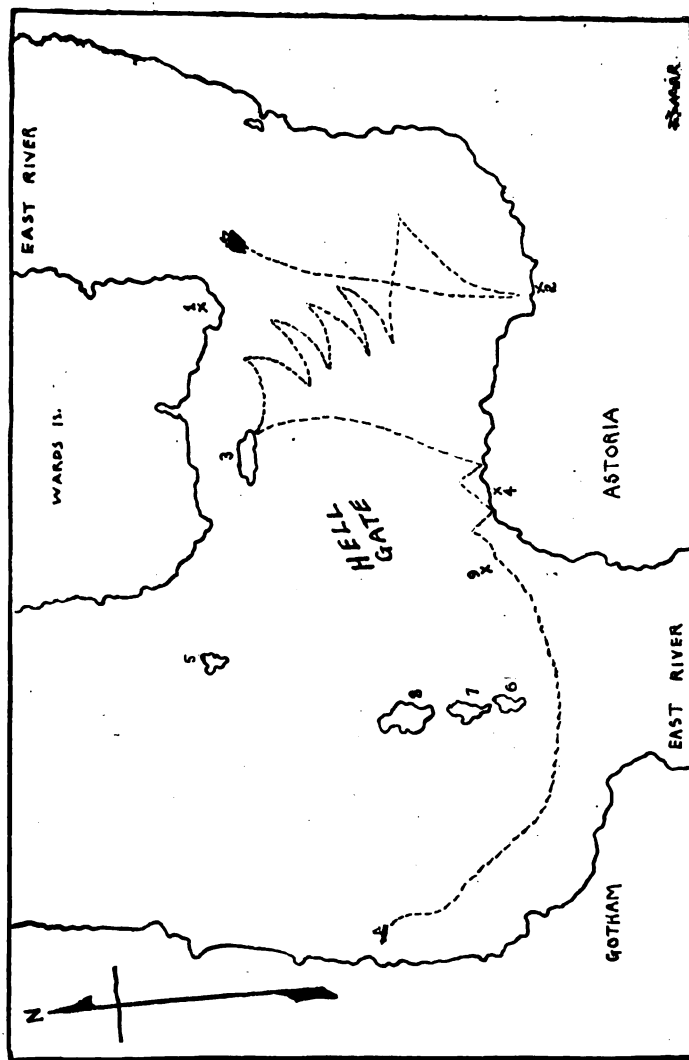
1	Forecastle head	10	Wheel	19	Taffrail
2	Galley	11	Hawse hole	20	Main deck
3	Forecastle (fo'c'sle)	12	Scuppers	21	After deck
4	Fore hatch	13	Foremast	22	Starboard lights
5	Main hatch	14	Mainmast	23	Larboard (Port) lights
6	Anchor	15	Mizzenmast	24	Pumps (Fore)
7	Cabin after-stairs	16	Bulwarks	25	Waist
8	Companionway	17	Rail	26	Pumps (Aft)
9	Binnacle	18	Fore deck	27	Capstan



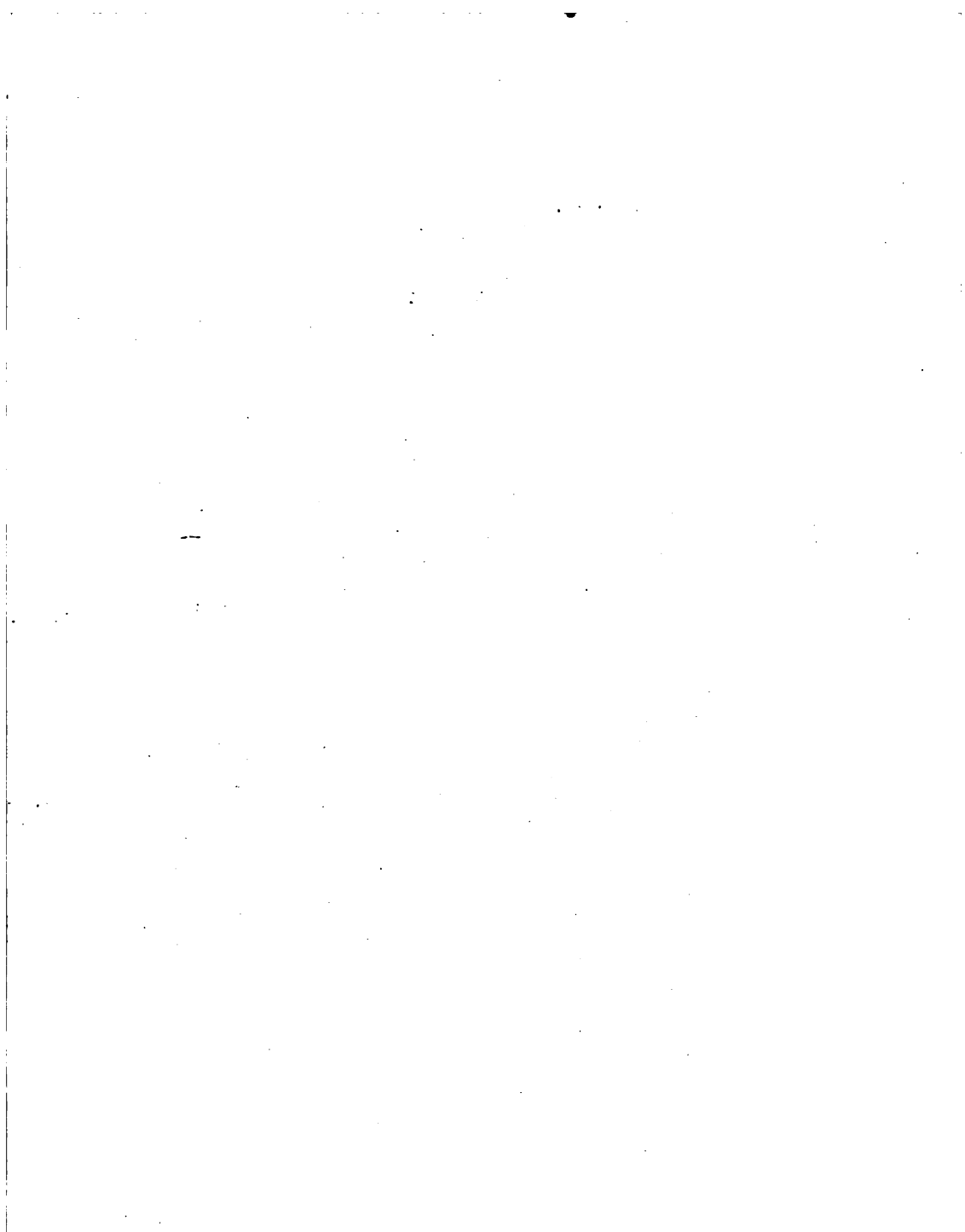
TECHNICAL FEATURES OF A SAIL.



E. SAGAR



- 1—Negro Point—Where the storm first fell amain upon the "Merrilies".
 2—Pot Cove.
 3—Hog's Back.
 4—Hallett's Point.
 5—Frying Pan.
 6—Flood Rock.
 7—Little Mill Rock.
 8—Giant Mill Rock.
 9—Where Seth Bangs grasped the wheel and steered the ship to a haven of safety.



**This book is under no circumstances to be
taken from the Building**

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